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THE ENGLISH HISTORICAL REVIEW

EDITED BY
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KEEPER OF THE ARCHIVES OF THE UNIVERSITY OF OXFORD
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THE ENGLISH HISTORICAL REVIEW

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King Edmund I and the Danes of York

THE history of the reign of Edmund I (939–46) is the history of that monarch's relations with the Danish settlers in Northumbria and with the three viking princes, Anlaf Guthfrithson, Anlaf Sihtricson, and Ragnvald Guthfrithson, who successively occupied the throne of York. The difficulty of distinguishing between Anlaf Guthfrithson and Anlaf Sihtricson, and the impossibility of reconciling the conflicting dates supplied by the various manuscripts of the Chronicle, have combined to render this period, 939–46, one of the obscurest in our national annals. A factor which has contributed towards the same result has been the prevailing misconception as to the year in which Edmund's reign began. In a recent note in this Review¹ I called attention to the circumstance that the entry in the Chronicle recording the death of Athelstan and the accession of Edmund in 940 is one year post-dated, the true date of Athelstan's decease having been 27 October 939.² My object in the present article is to show how the transference of the twelve months, October 939–October 940, from the reign of Athelstan to that of his brother simplifies the chronological aspect of the problem and makes it possible to construct a relatively accurate narrative of the sequence of events in the north of England between the death of Athelstan and the murder of Edmund.³

¹ *Ante*, xxxii. 517–31 (1917).

² Athelstan died on 6 Kal. November, i. e. '27 October' (Chron. *s. a.* 940). It can be deduced from the language of the manuscript Tiberius A. iii that his death took place between the hours of 4 p.m. and 4 a.m. of the night of 26–7 October, the Anglo-Saxon day being held to begin at Vespers of what we should call the previous evening. It is therefore probable that Athelstan may have died on 26 October; but since the exact hour of his death is unknown, I have preferred to retain the accepted date (27 October) in the text.

³ The best account of Edmund's reign is that supplied by Professor Oman in his *England before the Norman Conquest*, 524–9. Unluckily, the author's acceptance of

The closing months of Athelstan's life were marked by no events of domestic importance. The grand coalition of the Irish Danes, the Scots, and the Cumbrians, organized by Anlaf Guthfrithson, at that time king of the Danes of Dublin, with a view in the first place to the recovery of the throne of Northumbria, had collapsed after the crushing defeat inflicted upon the confederates at Brunanburh in 937. York, which had been in Athelstan's hands since the death of Anlaf's uncle Sihtric and the expulsion of his father Guthfrith in 927, remained a part of the West Saxon king's dominions. Anlaf himself withdrew to Dublin, where in the course of 938 he had to repel a determined assault upon his stronghold by the native Irish.⁴ In the following year we find him ravaging the churches of Kildare.⁵ Ireland, however, offered too narrow a field for his ambitions; whilst the death of Athelstan in the autumn of 939 encouraged him to attempt a renewal of the enterprise which had failed so disastrously two years before. It is possible that the knowledge that the victor of Brunanburh was on his deathbed and that his heir was a boy of eighteen may already have determined Guthfrithson to make a second bid for the throne of York; certainly little time can have been lost in preparations after the news of Athelstan's death became known in Ireland, for we learn from the *Annals of the Four Masters* that the armament destined for the invasion of Northumbria had quitted Dublin before the close of the year.⁶ The expedition seems to have encountered no resistance. Symeon of Durham merely notes that 'rex Onlaf venit Eboracum';⁷ whilst the language of manuscript D of the *Chronicle*, 'Here the Northumbrians were false to their plighted troth and chose Anlaf from Ireland for their king', would seem to indicate that the Danes of York received the intruder with open arms.⁸

the date 940 for Athelstan's death has thrown his chronology out of gear and caused confusion between the acts of the two Anlafs, though less than is to be found in other histories.

⁴ *Annals of Ulster*, s. a. '937 (alias 938)': 938 is, of course, the date intended.

⁵ *Ibid.* s. a. '938 (alias 939)'.

⁶ 'The foreigners, i. e. Amhlaeibh mac Gothfrith, deserted Ath-cliaith by the help of God and Mactail': *Annals of the Four Masters* (ed. J. O'Donovan), s. a. 937 (= 939). The chronology of the *Four Masters*, as can be shown by comparison with the *Annals of Ulster*, is here consistently two years in arrear. That the expedition left Dublin very late in the year is confirmed by the position of this entry, which appears at the end of a long annal.

⁷ Symeon of Durham, *Historia Regum* (ed. Arnold), ii. 93, s. a. 939.

⁸ *Chronicle* (D), s. a. 941. The incorrect dating of D, which supplies us with more detail than the other manuscripts of the *Chronicle*, has largely contributed to confuse the chronology of Edmund's reign. 'Anlaf from Ireland' is Anlaf Guthfrithson, king of Dublin. This is distinctly stated by the *Four Masters*, s. a. 937 (= 939), and is implied by Symeon of Durham; but Dr. Todd (*War of the Gaedhill with the Gaill*, appendix D, 230-4), Sir James Ramsay (*Foundations of England*, 295), and others, have taken him to be Anlaf Cuaran.

The establishment of Anlaf Guthfrithson at York must have taken place in the last days of 939 or, more probably, early in 940;⁹ and Edmund thus saw his dominions curtailed at the very moment of his accession to the throne. Moreover, the warrior who had led the great adventure of 937 was not the man to rest content with the acquisition of Northumbria; he aspired to recover the whole Danelaw, if not to anticipate the rôle of Knut by making himself master of all England. Some time in the course of 940—probably in the late summer or early autumn, for it was the practice of the vikings of the ninth and tenth centuries to commence military operations at this season—Anlaf burst into the territory of the Five Boroughs and advanced as far south as Northampton before his progress was stayed. A sharp campaign now ensued in the eastern Midlands. Repulsed by the townsmen of Northampton, the king of York was more successful at Tamworth, where Æthelflæd's *burh* was carried by storm, and much slaughter was committed on either side. Here Guthfrithson's success stopped short. Edmund, whose inactivity during the preceding months may be accounted for by the unexpectedness of the Danish incursion into regions where no enemy had been seen for a generation, was at last in the field. Anlaf withdrew with his plunder to Leicester,¹⁰ where he was forthwith beset by the English fyrd. According to manuscript D the Danish king 'burst out of the *burh* by night'; this must be taken to mean that Anlaf cut his way through the besiegers with his army, possibly inflicting a serious blow upon Edmund in the process, for it is clear from the negotiations which followed that the Danes regarded themselves, and were regarded by the English, as having had by no means the worst of the campaign. Peace was now restored. The two archbishops, Oda of Canterbury and Wulfstan of York, united to mediate between the belligerents, and a treaty was concluded by which Guthfrithson's conquests were legalized. In the words of Symeon of Durham, to whom we are indebted for our fullest account of these occurrences, 'the boundary of each realm was to be Watling Street: Edmund retained the southern part, whilst Anlaf held to the northern kingdom'.¹¹

⁹ Symeon of Durham, who has an annal for 941 but none for 940, records the death of Athelstan, the seizure of York, and the subsequent campaign in the Five Boroughs, all under the year 939. Since Athelstan died at the end of October, it is obvious that Symeon has here, as in other instances (e.g. the annal for 910), run the events of two years into one.

¹⁰ Mr. Oman is clearly right in taking Symeon's 'Legraceastre' to be Leicester—not Chester, as held by Sir James Ramsay. The latter would render the strategy of the campaign and the subsequent treaty unintelligible.

¹¹ Symeon of Durham, ii. 94, *s.a.* 939 (= 939 plus 940: *supra*, n. 9). Manuscript D, the only version of the Chronicle which records the Tamworth-Leicester operations, assigns them to 943, omitting, however, all mention of the mediation of the two

The retrocession of the Watling Street frontier is one of those mysterious incidents which make the history of the West Saxon monarchy so exasperating and at the same time so fascinating to the investigator. It is difficult to understand how Edmund, whose career proves him to have been a hard fighter and a stalwart champion of the imperialist claims of his predecessors, can have brought himself to contemplate what amounted to the undoing of the work both of his father and of his brother. At the same time I cannot agree with Professor Oman that 'it is surely impossible to believe Symeon of Durham's statement that Anlaf was regarded as king not only of Northumbria, but of Mercia, as far as Watling Street'.¹² Symeon's narrative is straightforward and consistent; this section of his work is based upon some Northumbrian annals of apparently contemporary composition;¹³ and it is impossible upon any other hypothesis than that the Five Boroughs, at least, were for a time under Anlaf's control to account for the jubilation with which the Chronicle records their recovery two years later. The entire Danelaw south of the Northumbrian frontier had been reduced by Edward the Elder in the great campaigns of 911-20. None of the territories thus regained had been surrendered by Athelstan, who, on the contrary, had extended West Saxon rule over the kingdom of York. Hence, if the Chronicle is accurate in stating that Edmund recovered the Five Boroughs in 942—which there is no reason to doubt—it is plain that he must previously have lost them; and the occasion of their cession can only have been, as Symeon says it was, the East Midland campaign of 940. On the other hand, there is no reason for supposing that Anlaf's gains by the treaty of 940 extended further south than the Welland. Anlaf, as we have seen, had been repulsed from

archbishops and of the treaty which followed. Modern writers, as a rule, have followed D, Symeon's version being rejected partly because his date, 939, ran counter to the accepted view that Athelstan died in 940, and partly because Archbishop Oda is generally held, upon the authority of Stubbs, to have become primate in 942. But D's annal for 943, like others in this manuscript, is of a highly composite character (see Plummer, *Two Saxon Chronicles*, ii, p. lxxxi, note), showing obvious signs of having been pieced together from various sources; whilst the evidence that Oda's predecessor, Wulfhelm, survived the year 940 rests upon certain charters of the year 941 (Birch, *Cartularium Saxonicum*, nos. 766, 768, 770), in one of which Edwy is made to sign, though he cannot have been more than a year old. On the other hand, we find Oda witnessing as archbishop in 940 (*ibid.*, no. 761) and again in 941 (*ibid.*, no. 769), and there are two or three charters of 940 in which neither Wulfhelm nor Oda signs as primate, which would seem to suggest that there may have been a vacancy at Canterbury at this period. Since the majority of the charters for 940 are witnessed by Wulfhelm I conclude that Oda may have succeeded him fairly late in the year; incidentally, this would bear out the view I have expressed in the text that the invasion of the Five Boroughs took place in the *autumn*. Unluckily, none of the charters cited are originals, and some of them are derived from suspicious sources.

¹² *England before the Norman Conquest*, p. 526.

¹³ Symeon of Durham, ii, introduction, pp. xxiv-v.

Northampton and forced to withdraw into the Five Boroughs. Peace would presumably have been arranged upon a basis of *uti possidetis*, and in accordance with that principle the East Anglian shires and the modern counties of Northampton, Huntingdon, Bedford, and Cambridge, which had formed part of the original Danelaw, would naturally have remained in English hands.¹⁴

Whatever interpretation we may place upon this treaty, the arrangement it embodied was ephemeral. Anlaf Guthfrithson's ambition was insatiable; no sooner had he concluded peace with the king of Wessex than he turned his arms against the territories of his northern neighbour, the lord of Bamborough. In 941 he made a descent upon the coast of Bernicia, and sacked the town of Tynningham on the southern shore of the Firth of Forth. His death took place in the same year.¹⁵ He does not seem to have fallen in battle. The *Annals of Clonmacnoise* simply state that 'Awley m^cGodfrey king of Danes died';¹⁶ whilst the language of Symeon of Durham, 'Olilaf¹⁷ vastata ecclesia Sancti Balteri et incensa Tynningaham mox periit', would seem to suggest that his end was attributed to the wrath of the saint, in other words that it was due to natural causes. Whatever the circumstances, his death was a happy accident for Edmund, for the whole career of Anlaf Guthfrithson, both as king of Dublin and as king of York, shows him to have been the most capable and enterprising antagonist whom the West Saxon kings were called upon to withstand during the century between the departure of Hasting and the coming of Sweyn Forked-beard.

On the death of Anlaf Guthfrithson the Northumbrians

¹⁴ The absence of any reference to East Anglia and the lands south of the Welland in the annal in which the Chronicle records Edmund's recovery of Derby, Nottingham, Leicester, Lincoln, and Stamford, makes it morally certain that Anlaf's gains were restricted to the Five Boroughs.

¹⁵ Symeon of Durham, ii. 94, *s. a.* 941; Chronicle (E, F), *s. a.* 942. Mr. Oman, who assigns the death of Athelstan to 940 and the Tamworth-Leicester campaign to 941, accepts the Chronicle's date.

¹⁶ *Annals of Clonmacnoise* (ed. D. Murphy), *s. a.* 934 (= 941); so, too, the *Chronicon Scotorum* (ed. W. Hennessy), *s. a.* 940 (= 941), 'Amhlaibh son of Gothfrith, king of the Finn-Gaill and Dubh-Gaill, mortuus est.' The *Annals of Clonmacnoise*, when their dating is corrected, furnish us with valuable material for the history of Edmund's reign. From '921' to '929' (= 926-34) the entries are five years antedated, a sixth year being dropped in '930' (= 935 plus 936), a seventh in '933' (= 939 plus 940), and an eighth in '937' (= 944 plus 945). The absence of annals for '938', '939', and '940', reduces the error again to five years; the entry for '941', 'Ettymon (i. e. Edmund) king of the Saxons was killed by his own familie', being equivalent to 946.

¹⁷ 'Olilaf' is an obvious clerical error for 'Onlaf', the form which the name assumes in Symeon of Durham. The king referred to is certainly Anlaf Guthfrithson. Sir James Ramsay, however (*Foundations of England*, 295-6), takes Olilaf to be 'a third Olaf'. Since the writer also identifies Anlaf Guthfrithson with Anlaf Cuaran, the confusion which results is lamentable.

chose as their king his cousin and namesake, Anlaf Sihtricson, better known by his cognomen of Cuaran.¹⁸ The early history of Anlaf Sihtricson is obscure, and does not fall within the scope of this paper. He was probably much younger than his kinsman,¹² as whose lieutenant he appears to have acted during the critical years, 937-41. In that capacity he seems to have been left behind in Dublin when Guthfrithson sailed for Northumbria in 939; but late in 940 he arrived in England, apparently at Guthfrithson's invitation, for we are told that 'Awley Cuaran came to York, and Blackare m^cGodfrey (i. e. Guthfrithson's brother) arrived in Dublin to govern the Danes'.²⁰ Some rearrangement of the viking kinglets may well have been rendered necessary by the expansion of Anlaf Guthfrithson's domain, which at the close of 940 extended over a large part of the British Isles, embracing, in addition to Northumbria and the Five Boroughs, the Hebrides, the Isle of Man, and the Norse settlements on the coasts of Scotland and Ireland. But the actual motive which had prompted Guthfrithson to recall his lieutenant from Dublin was, doubtless, the desire to reinforce himself from his Irish garrisons in view of the approaching campaign in the Midlands. However that may be, when Guthfrithson died in 941, Anlaf Cuaran was on the spot, and thus succeeded to the dominions formerly held by his father Sihtric,²¹ enlarged by the acquisition of the Five Boroughs. He was not long to enjoy them undisturbed. By the side of Anlaf Guthfrithson, Anlaf Cuaran, in spite of his long and romantic career,²² impresses us as a mediocre genius. As an untried opponent,²³ Edmund may

¹⁸ 'Filius vero Sihtrici, nomine Onlaf, regnavit super Northanhymbros': Symeon of Durham, ii. 94, s. a. 941.

¹⁹ Anlaf's father, Sihtric, is said to have died 'immatura aetate' in 927 (*Annals of Ulster*, s. a. 926 'alias 927'), and Sihtricson himself survived his cousin by forty years (*infra*, n. 22). Anlaf Guthfrithson appears in history as early as 919, when he seems to have been the 'Amhlaeibh' who slew Niall Glundubh, High-king of Ireland, at the battle of Kilmashogue (*Four Masters*, s. a. 917).

²⁰ *Annals of Clonmacnoise*, s. a. 933 (= 939 plus 980); *Four Masters*, s. a. 938 (= 940). The circumstance that the entry recording Anlaf's coming to York is in each case one of the last in the annal suggests, though it does not prove, that the event took place late in 940.

²¹ Sihtric Caoch ('the One-eyed') was king of York from 921 to 927. He was the same Sihtric who had re-established the Danes in Dublin by his victories at Cennfuait (917) and Kilmashogue (919).

²² After repeatedly occupying the thrones of York and Dublin, Anlaf Cuaran died at Iona, whither he had gone on pilgrimage after the great defeat inflicted upon the Irish Danes by Malachy II at Tara, about the year 980. He has been supposed to be the prototype of the hero of the medieval romance, *Havelok the Dane*, although there is little in his career, except his name, to justify the identification.

²³ I can find no evidence to support the usual view that Anlaf Sihtricson was one of the leaders, if not the actual ringleader, in the invasion of 937. The commander at Brunanburh was certainly Anlaf Guthfrithson. On the other hand, Sihtricson may well have been present at the battle in a subordinate capacity.

have feared him less than his redoubtable predecessor; in any case, in 942 the king of Wessex moved north with the fyrd, and, in the words of the Chronicle, 'overran Mercia up to where Dore, Whitewell's gate, and Humber's river form the boundary' between Mercia and Northumbria.²⁴ The Five Boroughs were thus 'redeemed' and resumed their former allegiance to the crown of Wessex. The joy of the English nation at this reversal of the humiliation of 940 finds expression in the triumphant paean of victory which here, as in 937, to the profit of the linguist but the loss of the historian, replaces the ordinarily sober annals of the Chronicle.

The recovery of the Boroughs was apparently not the only military operation in which Edmund was engaged in 942. We learn from the *Annals of Clonmacnoise* that in this year 'Idvall m^cAnoroit prince of Brittons (i. e. Idwal ap Anarawd, king of Gwynedd) was killed by the Saxons', from which we may infer that there was serious trouble with the Welsh.²⁵ Meanwhile the reduction of the Five Boroughs was followed by the submission of Anlaf Cuaran, who, like his father Sihtric, seems generally to have favoured a policy of understanding with Wessex.²⁶ Early in 943 he consented to undergo baptism, and we are told that he was received and 'royally gifted' by the English king. The entry in the Chronicle which records this event runs as follows: '943. Here King Edmund received King Anlaf at baptism; and the same year, a good long time after, he received King Raegnold at the bishop's hands.'²⁷ Who was this Ragnvald, and what was his status in Northumbria? If the Chronicle is

²⁴ Manuscripts B, C, D, s. a. 942; the Parker manuscript (whose original reading, however, was 942) gives 941. The patriotic compiler of the Northumbrian annals incorporated by Symeon of Durham omits all mention of the English recovery of the Five Boroughs, just as the Chronicle, doubtless from a similar motive, abstains from recording their conquest by Guthfrithson two years before.

²⁵ *Annals of Clonmacnoise*, s. a. 935 (= 942). The *Annales Cambriae* record the death of Idwal and his brother Elised in battle with the Saxons under 943; but the dating of the *Annales Cambriae*, which place the death of Anlaf Guthfrithson in 942, the harrying of Cumberland in 946, and the murder of Edmund in 947, is here uniformly one year in advance of the true chronology. The circumstance that the baptism of Anlaf appears to have taken place *early* in 943 would seem to suggest that the Welsh campaign preceded the operations in the Five Boroughs, and that the latter must be placed late in the year.

²⁶ Anlaf seems to have been acting as Edred's vassal during his second reign in Northumbria (949-52). His father, Sihtric, had married Athelstan's sister in 926, and remained in alliance with Wessex till his death.

²⁷ From 943 onwards the dates supplied by the Parker manuscript (A), which is here supported by B and D, may be accepted as accurate. There is an annal for each of the years 943-6, and since that for 946, recording the death of Edmund, is correctly dated, there appears to be no room for any error. Mr. Oman, however, follows manuscript C in assigning the conversion of the kings to 942, making the event precede the death of Guthfrithson, which he places in that year (*supra*, n. 15). But this is to baptize the wrong Anlaf.

correct in describing him in its next annal as 'Raegnold Guthfrithson', he must have been a brother of Anlaf Guthfrithson, in which case it is not surprising that he should have regarded himself as having an equal right with Anlaf Cuaran to the throne of York. That he was reigning as Anlaf's rival—apparently his successful rival—and not as his colleague is made plain by the fact that Symeon of Durham, *s. a.* 943, states that 'the Northumbrians expelled their king Onlaf from the realm'. The solution would seem to be that some time in the summer of 943 the fickle Danes, perhaps irritated by Anlaf's loss of the Five Boroughs and his complaisance towards Wessex, transferred their allegiance to his cousin, and that Anlaf was driven from York, although it is clear from what followed that he continued to hold a footing in the north of England. The expulsion of his protégé must have brought Edmund a second time upon the scene. We read of no fighting: probably Ragnvald preferred not to abide the issue of a struggle. His baptism or confirmation late in 943 would be the outward and visible sign of his acceptance of West Saxon overlordship.

Down to the close of 943 Edmund's policy appears to have been to avoid driving the Danes to extremities. In the following year he adopted an attitude more consonant with his dignity as Basileus. What considerations dictated this change of policy we cannot say; but it is probable that the spectacle of the civil war between Ragnvald and Anlaf may have determined him to put an end once for all to the anarchy of the north. The Chronicle tells us, *s. a.* 944, that 'King Edmund subdued all Northumbria under his sway and expelled two kings, Anlaf Sihtricson and Raegnold Guthfrithson'. The *Annals of Clonmacnoise* supply the additional detail that 'the king of the Danes was killed by the Saxons at Yorke'.²⁸ If this statement is accurate—it is not corroborated by our other authorities—the king who was reigning at York in 944, and who thus met his end, must have been Ragnvald Guthfrithson, since Anlaf Sihtricson survived his expulsion for forty years and, indeed, lived to enjoy a second tenure of the precarious Northumbrian throne.²⁹

Northumbrian independence was now at an end for a season, and the situation at York reverted to what it had been during the period 927–39. But the trouble in the north was not yet over. In 945, we are told by the Chronicle, 'King Edmund harried all Cumberland and granted it all to Malcolm, king of Scots, on condition that he should be his fellow worker both on sea and on land'. The explanation of this rather baffling entry is doubtless that put forward by Mr. Oman, who suggests

²⁸ *Annals of Clonmacnoise*, *s. a.* 937 (= 944 plus 945).

²⁹ *Supra*, notes 22 and 26.

that by 'Cumberland' the chronicler intended to signify not, as it has sometimes been taken to mean, the Celtic kingdom of 'Strathclyde', which was already effectively under Scottish influence, but the obscure Scandinavian settlement on the shores of the Solway which had been planted by Norse colonists from Ireland between the years 890 and 920.³⁰ This viking 'no man's land' may well have harboured Anlaf Cuaran after his flight from York in 943, and it is possible that its inhabitants had lent him aid in his struggle with Ragnvald Guthfrithson in that and the following year. If we may assume that Anlaf had again found refuge there after the *débâcle* of 944, it is easy to understand why Edmund should have found it necessary to follow up his conquest of Northumbria by the ravaging of Cumberland. This hypothesis gains support from the circumstance that we have no record of Anlaf's return to Ireland before 945, in which year we learn from the *Annals of Clonmacnoise* that 'Blacairey (i. e. Blakar Guthfrithson) was banished from Dublin and Awley (i. e. Anlaf Cuaran) succeeded him to the government.'³¹

By the opening of the year 946 the pacification of the north was complete. The reign of Edmund was now nearing its close. On 26 May 946 the young king—he was only twenty-five—was murdered by the outlaw Leofa at Pucklechurch. In spite of the momentary weakness of 940 and the apparent caution which characterized his early dealings with Anlaf Cuaran and Ragnvald Guthfrithson, Edmund had worthily upheld the imperial traditions of Athelstan and Edward the Elder. His brother Edred, who succeeded him, was confronted with similar difficulties, and in his turn was obliged to lead several expeditions to York before Northumbria was finally reincorporated in the West Saxon realm. But the reign of Edred falls outside the limits of this article.

MURRAY L. R. BEAVEN.

³⁰ *England before the Norman Conquest*, 527-8.

³¹ *Annals of Clonmacnoise*, s. a. 937 (= 944 plus 945); *Four Masters*, s. a. 943 = 945).

The Medici Archives

RARELY, if ever, can documents concerning a single family have come into the market which have such a range as A. D. 1084 to 1771 and are of such importance as the Medici archives which are to meet their fate at Christie's on 4 February and the three following days.¹ They form, needless to say, a collection of consummate interest for all students of Italian history. The name Medici first appears in the second document, dated 5 December 1240, which relates to the bankruptcy of Guido Guerra, whom Dante has immortalized in canto xvi of the *Inferno*. In this Ugo and Galgano de' Medici appear among the creditors. The earliest Medici mentioned in the catalogue as holding public office is Bonino, who as Gonfalonier of Justice grants a pardon, which is signed by Salvi Medici, notary public. The Medici, however, had been before this a powerful and troublesome family throughout the stormy times which preceded and followed Dante's exile.

The first section of the documents is mainly concerned with deeds of gift and sale, marriage contracts, wills, receipts, powers of attorney, legal opinions, presentations to benefices, papal briefs, patents of naturalization and nobility. An illustration is given of one of two briefs by Leo X, written and signed in the beautiful handwriting of Bembo.

From an historical and biographical point of view the chief value of the collection consists in Lorenzo's letters, of which 166 are holograph, and which, together with other political documents, form the second and third sections of the catalogue. Most of the letters were written to Pietro Alamanni, Florentine ambassador first at Milan and then at Rome, beginning with 11 May 1489 and ending with 20 March 1492, very shortly before Lorenzo's death. With these are many dispatches from the *Otto di Pratica*, a committee for affairs of state, and some from the official government, the *Signoria*. There is, however, a gap from October 1489, the close of Alamanni's embassy to Milan, until his arrival at Rome early in 1491. This correspondence was, as was cus-

¹ *Catalogue of the Medici Archives, the property of the Marquis Cosimo de' Medici and the Marquis Averardo de' Medici* (1917).

tomary until long afterwards, the property of the ambassador. The present owners are the descendants of Giovenco, second son of Averardo, who died in 1314, from whom Cosimo and his brother Lorenzo, ancestor of the grand-ducal line, were derived in the fourth degree of the elder line. Raffaello de' Medici (1543-1628) married Costanza Alamanni, who in all probability brought these documents to the junior branch of Medici. A few other letters of interest are also comprised in the second section, notably one from the good-natured Leonello d'Este to Lorenzo's grandfather Cosimo, begging him to have no reserve, but to 'open his bag' as he would to a son, and several from Ludovico il Moro. Illustrations of the caligraphy of these notabilities are printed, as is one of a letter from Caterina Sforza. Charles VIII of France also figures among Lorenzo's correspondents.

Pietro Alamanni was Lorenzo's intimate friend. He was knighted by Ludovico il Moro before leaving his post at Milan, and was intended to act as ambassador at Naples. On reaching Rome, however, he was detained by Lorenzo's orders, and was here 'coached' by Pier Filippo Pandolfini, who had represented Florence at the Vatican since Lanfredini's death. Alamanni was apparently modest as to his ability to cope with a group of clever and experienced cardinals belonging to different political factions. He wrote, however, that he had visited most of them with Pandolfini, and found them much like ordinary men: when young he had to please several ladies at the same time, and often with success, but Lorenzo knew that he had failed one St. Lucy's eve, and, with all his goodwill, this might happen with one of the cardinals. Lorenzo replied on 15 January 1491 that he knew that as a young man Alamanni had to keep two or three ladies amused together, and that the cardinals would give him no greater trouble: all that was needful was to be discreet, to say nothing that could displease any one who confided in him, to try and gain with everybody, and lose with no one. This was the ideal of diplomacy which Lorenzo impressed upon his envoys. These letters of Lorenzo have never apparently been utilized. Fabronius has printed several addressed to Alamanni's predecessor at Rome, Lanfredini, and B. Buser in *Lorenzo als Staatsmann* gives one addressed to Alamanni on 17 May 1491, but this does not exactly correspond with any analysed in the catalogue. As is often the case, the reader is tantalized by only getting one side of the correspondence, but, if Alamanni's books of minutes for his letters should fall to the same purchaser, they would to some extent fill the gap.

Lorenzo's chief task was to prevent a renewal of the recent war between Innocent VIII and Ferrante of Naples. The king still held captive some of his barons, whom Innocent thought

secured by the treaty of peace, and whose release he, as suzerain of Naples, peremptorily ordered. Ferrante also refused to pay the customary tribute, which had indeed been waived by Sixtus IV. The quarrel was accentuated by the revolt of Ascoli, the picturesque city on the Tronto, often a bone of contention between the papacy and Naples; the citizens had added to this iniquity by raiding the little papal town of Offida. Ferrante marched troops up to his frontier under Virginio Orsini, a near relation of Lorenzo's wife, who had left Florentine service for the purpose. Thus was trailed a coat on which the passionate pope was only too much inclined to tread. Lorenzo's plan was that the two neutral members of the long triple alliance between Milan, Florence, and Naples should combine in effecting a reconciliation. He was sincerely anxious to protect the pope, whose son Franceschetto Cibò had married his daughter. Innocent was not a comfortable client for a would-be mediator. Lanfredini had described him on 21 October 1489 as a perfect simpleton, whose passion was such that if Lorenzo alone gave him any encouragement, he would do violence to his own instincts, both in the matter of spending money, and in seeking adherents outside Italy.² Innocent threatened Ferrante with deprivation and interdict, and Virginio Orsini with excommunication, an *operazione diabolica*, as Lorenzo called it. He had thoughts of retiring to Avignon, which his mentor told him would do no good at all. On the other hand, Lorenzo's professed partner in the mediation was a most untrustworthy ally. Ludovico il Moro mistook complexity for cleverness: he was never content with one combination at a time. Lorenzo believed that he did not himself know what he wanted, that he would finally act as his mood dictated, and end of his own accord by giving himself away cheap. This is precisely what was to happen in later years. Ludovico's natural inclination would have been towards Ferrante, who had helped him to the government of Milan, and whose grand-daughter had married the young duke, Ludovico's nephew and ward. The marriage, however, was not a success; several of Lorenzo's letters relate to a project of Ludovico for engineering a divorce between the young couple and marrying the wife himself. This, thought Lorenzo, might satisfy Ferrante; but the scheme came to nothing, and Ludovico married Beatrice d'Este, the prime cause of the rupture with Naples and of the troubles of Italy throughout coming centuries. Between the pope's ill humour towards himself and Ludovico's bad manners towards the pope, Lorenzo confessed that he did not know where he stood.

Alamanno was, after all, right in his original nervousness as

² Buser, *Die Beziehungen der Mediceer zu Frankreich, 1484-94*, p. 522.

to dealing with cardinals. Never had faction run so high in the college as among the wealthy, high-born cardinals whom the old pope, at once weak, obstinate, and passionate, was quite unable to control. Lorenzo's letters constantly refer to *il Maleacense* as being the evil genius at Rome. This worthy is not identified in the catalogue; he was Federigo da San Severino, son of Innocent's late captain-general, Roberto, count of Caiazzo, who, when bishop-elect of Maillezaix (a suffragan see of Bordeaux), had been nominated cardinal with Giovanni de' Medici. Lorenzo was anxious to keep his son from contact with him, and it may be noted that long after his death the Cardinal Medici and the Cardinal San Severino respectively represented Pope Julius II and the schismatic council of Pisa in the battle of Ravenna. This pope, as Cardinal Giuliano della Rovere, was also suspected by Lorenzo, but, as he was a rival of *il Maleacense*, Alamanni was instructed to be civil to him. Lorenzo's chief reliance was on the Genoese cardinal of Santa Anastasia, whose favour he thought cheaply bought by the reversion of a Florentine benefice of 200 ducats, the occupant of which, his own natural brother, was in excellent health at the time of writing.

It was clear that a conflict between Rome and Naples could not be localized; it could not even be confined to Italy. The northern, western, and eastern powers were all on the look out. The pope was alarmed at the news that Matthias Corvinus had occupied Ancona and was intriguing with the lords of Camerino and Pesaro. As the king's second wife was the daughter of Ferrante it looked as if there were a combination between Hungary, Naples, and the papal feudatories of Romagna and the March. Ludovico's action was also even peculiarly ambiguous. Matthias, however, convinced Innocent that his action was directed against Venice, who had robbed the Hungarian crown of the Dalmatian coast. Matthias had an interest in cajoling Innocent with a view to the transfer to himself of Prince Djem, whom he wished to utilize in his intended campaign against Bajazet. Lorenzo had hinted at an alliance between Florence, Venice, and the pope, if pressure upon the last became serious. He dissuaded Innocent from surrendering the custody of Djem, who had been entrusted to his care under special conditions by the king of France, the breach of which might cause grave offence.

The death of Matthias removed one danger to promote another. It is interesting to find that from this time Maximilian was feared in Italy. On 27 January 1492 Lorenzo advised Innocent to keep on good terms with him as he would probably be emperor—'It seems to me that he may serve the pope as a stick for all the dogs, for every man in Italy is afraid of him.' On 6 February he adds that Venice in fear of Maximilian wants a general Italian

league : the pope should decline, for Maximilian thinks that Italy is hostile, and if the pope joined the league he might be thought to share those feelings ; there was time enough to join the league when Maximilian threatened Italy. On the other hand, Innocent was warned not to alienate Maximilian's enemies. Thus, when the news arrived of Charles VIII's intended marriage with Anne of Brittany, already married by proxy to Maximilian, the pope was in a quandary. Lorenzo could only advise that, on Charles's request for a dispensation, Innocent should procrastinate by the usual resource of a committee. His penultimate letter before his death recommends the dispensation, mainly it would appear to stop some scandal about himself. The diplomatist who is often mentioned as well fitted to negotiate between Maximilian and Charles VIII is Raymond Perault, archdeacon of Aulnis in Saintonge, and afterwards one of Maximilian's chief counsellors. He is represented as being a good man and popular both in France and Germany. Yet another danger to Italy, as Lorenzo thought, was threatened by the intervention of Ferdinand and Isabella in the dispute between the pope and Naples. Their purpose was ambiguous : either they might be backing their relation in more drastic action against the pope, or, yet more perilous, they might be currying favour with the latter with a view to the replacement of the illegitimate line at Naples by the legitimate branch of Aragon. Lorenzo could never rest until their envoys had left Rome ; Granada from henceforth occupied all their energies.

Rome and Naples finally made peace behind Lorenzo's back. He professed to be greatly pleased, but his letters prove that the neglect had nettled him. He advised Alamanni to keep clear of the negotiations for fear of alienating Charles VIII, who would not like them ; he stated that the peace was unpopular throughout Italy, and expressed a somewhat scornful opinion on the likelihood of its permanence. In the later stage of negotiations Ludovico il Moro had almost dropped out of the picture. His marriage with Beatrice d'Este and the rivalry between her and her cousin the duchess had made him unacceptable to Ferrante as a mediator. Lorenzo, too, had a poor opinion of his diplomatic ability ; Ludovico was, indeed, too subtle to be sound.

It may be confessed that these papers relate to the least eventful period of Lorenzo's career, because his fortunes and those of Florence were not directly involved in the dispute between the pope and Naples, though, of course, in the delicate balance of power, and under the covetous eyes of three great ultramontane or ultramarine states, the slightest shock might bring ruin upon all Italy. The value of the letters consists mainly in their admirable illustration of Lorenzo's diplomatic methods, and even of his character, now that years and ill health had tempered the more adven-

turous impulses of his youth. At this crisis he was all against adventure; his aim was compromise which should leave neither pope nor king the stronger. Yet compromise must not be too rapid, or he would lose the strong position which his mediation gave. There was probably, too, a very human element of jealousy; he must be the universal *homme nécessaire*, must know everything, influence everybody, and decide everything. As he was not technically ruler of the state he frequently acted through independent agencies. Sometimes he employed a private envoy side by side with the official embassy, or the agents of the Medici bank, for instance the Sassetti and Spinelli of Lyons, to whom there are several references in these letters. In this case, however, he is acting through the regular ambassador. Yet the reader will see at once that Alamanni's correspondence with Lorenzo was far more intimate and important than was that with the Eight and the *Signoria* by whom he was formally accredited. The practical authority of the *Signoria* had for generations been shadowy, but the Eight were the committee for state affairs, which had formed an essential part of Lorenzo's constitutional experiments of 1480; they were selected for their experience, and not by the haphazard method which determined the *personnel* of the more dignified *Signoria*. Nevertheless, the Eight were left very much out in the cold, so much so that Lorenzo's secretary, Bibbiena, thought it prudent to warn Alamanni to write more often and more fully to the Eight, who had been heard to complain of the dryness of his dispatches; of course he need not let them into affairs which should remain secret between him and Lorenzo, but *verbum sap.* Not even much secretarial confidence is to be traced in Lorenzo's correspondence. All important letters are written in his own clear and careful hand, whether in cipher or not; he even copies himself the documents which he encloses, adding in one an imitation of Ferrante's elderly but florid autograph. His industry must have been portentous; in one letter he complains that he had been writing all day and was tired.

After full allowance for an element of vanity or self-interest the letters prove that Lorenzo had a genuine love for the peace of Italy and a horror of foreign intervention. Not only does he strive for peace between Rome and Naples, and the avoidance of all offence to Charles VIII and Maximilian, but he does his utmost to quench every spark which issues from the inflammable and explosive material in the little states which lie to east and south of Florence. Romagna had recently been disturbed by the murder of Girolamo Riario at Forlì and that of Astorre Manfredi at Faenza. It was Lorenzo's task to support Riario's widow, Caterina Sforza, against the assassins, and to consolidate the government of Manfredi's heir. In several letters he urges

the pope to be on more friendly terms with Caterina, if only for the sake of papal security. He persuades Innocent to recognize the prevailing families of Baglioni and Vitelli in Perugia and Città di Castello, and so put an end to generations of faction. The exiles of one small state could always take refuge in another, and make it the basis of attack on the victorious government. Again and again Innocent is implored to encourage an alliance between Siena and Perugia and Urbino, and so put an end to the chronic restlessness. Through Lorenzo's agency much was really effected. If he finally had no part in the actual terms arranged between Innocent and Ferrante, it is certain that but for him pope and king would long ago have been at war. It is the highest testimony to his pacific influence that the terrible Italian tragedy that was to follow was attributed to his untimely death.

The letters of Lorenzo, the Eight, and the *Signoria* contain many references to Florentine affairs unconnected with foreign politics. Alamanni was instructed to obtain the pope's permission for the settlement of Jews at Florence. The agreement with the moneylenders was renewed from time to time. On each renewal, urged the Eight, the city suffered, but a great city must have Jews: if usury were wrong, the Jews were the sinners, and the church had no concern with their souls, while the Christian borrowers were punished by having to pay an exorbitant rate of interest; if men had no Jews from whom to borrow money, they were driven to cheat and steal in order to get it. It may be mentioned that three years before this petition Fra Bernardino of Feltre was expelled from Florence after preaching in favour of a state pawnbroking institution. Such sermons frequently led to attacks upon resident Jews. Alamanni also had to beg the pope to allow the assessors of taxes to examine the real ownership of property purporting to belong to persons in holy orders. Families were in the habit of fraudulently transferring all their property to one clerical member in order to escape taxation, although the other members actually remained in possession. This caused a grievous loss to the revenue, especially at a time when men seemed less willing to make any sacrifice for the state than they ever were before. It appears also that young Florentines of position were disinclined to sacrifice their celibate freedom. Lorenzo and his secretary Piero da Bibbiena had done their best to persuade Alfonso Strozzi to marry Alamanni's daughter, but he had been evasive, though protesting that he would not marry against Lorenzo's orders. Many other Florentine gentlemen were also vainly trying to marry off their daughters, if that were any consolation to Alamanni. It is notorious that Lorenzo laid great stress on his

command of the matrimonial market ; it was his resource against dangerous family cliques.

Church scandals form the subject of a good many letters. The Eight kept protesting against the interdict laid on three Florentine churches at the instance of Arnolfo de' Bardi on account of certain payments due to him. The priors of Assisi beg Lorenzo to implore the pope no longer to neglect the disorderly life of the nuns of Santa Chiara, which dishonoured the house where the saint's body was preserved. The men of Pieve San Stefano complained that they had built a convent for the Franciscan friars, who were now living in a disorderly manner. The Florentine *Signoria* pressed the pope to abolish the reservation of Florentine benefices for cardinals' nominees, and to keep them for Florentine clergy ; the nominees were in many cases men of a vile and unworthy description, and God's service was gravely prejudiced. The general of the Camaldunenses petitioned the cardinal of Siena for leave to reform the convent of San Benedetto, which badly needed it. Lorenzo writes that there was an outcry in Florence against an attempt of the Strozzi to eject the incumbent of Pieve di Ripoli, a very old man and yet more poor than old ; Lorenzo had been moved by the old man's tears, and, though the whole Strozzi family would be at him, begged the pope to let him stay. The hunt for benefices was of course fast and furious throughout the church, and Lorenzo certainly led the pack. It would be tedious to enumerate the endowments for his son Giovanni which he begged of the pope through the agency of Alamanni. He would rather have ten benefices in Tuscany than thirty abroad, but the boy, not yet proclaimed cardinal, possessed them in the Milanese and the kingdom of Naples. Hints were made for the great abbey of Farfa, if the Orsini abbot were to die, and his family should quarrel over the succession. Alamanni was to watch for any benefice that fell vacant, for those in the Papal States were bestowed by the pope before the news reached Florence, and so too the French ones by the king in France. Charles VIII himself made Lorenzo his broker, begging him to obtain a cardinalate for Pierre de Laval, archbishop of Rheims, protesting against the bestowal of Tournai on the cardinal of Santa Anastasia instead of on his faithful councillor, Louis Pot, and threatening, if the pope did not treat him fairly, to have recourse to means which he would be sorry to use. Alamanni was empowered to offer the notorious Cardinal Balue a tip (*beveraggio*) if he would facilitate negotiations. Balue's death offered a splendid opportunity, for it was said that his benefices were to be divided at once ; Lorenzo was, indeed, touting for the bishopric of Angers for Giovanni while the cardinal was on his sick bed.

Innocent's very catholic taste for wine was a valuable asset for Lorenzo. No reasonable man would regard a present of a few dozens as a tip or bribe. Lorenzo wished to wheedle benefices, to shorten the three years during which Giovanni's cardinalate was not to be published, and to soften the pope's heart towards Ascoli or the king of Naples. Couriers were consequently laden with all the bottles which they could carry of Vernaccia, which went as well with the ortolans which Innocent loved as with the eels so dear to Martin IV, or else with Casentino vermiglio or brusco, with the still excellent Montepulciano, or the vino greco which was sometimes hard to find in Florence or S. Gimignano. Alamanni in a letter of 19 April 1491 (not here printed) wrote that the pope asked for several bottles by letter post of wine that should be full flavoured, and not sweet but strong. Wine was supplemented by breadths of cloth, white, black, or pink, and the choicest damask. The donor's greatest wish, he wrote, was to keep him merry and cheerful. Lorenzo was indeed the most obliging of men; at the request of the Venetian ambassador at Rome he makes and forwards a collection of the songs both sweet and serious of the Bohemian composer, Heinrich Isaak; at another time he gives much thought to a tomb for the great Francesco Sforza, but cannot think of a sufficiently worthy artist. In these years his health was failing fast. He had an idea in October 1491 of a visit to Rome to exercise his personal influence on the pope, as formerly, at the great crisis of his life, on Ferrante of Naples. But his journeys now were from one sanatorium to another. In February 1492 his son Piero wrote to Alamanni that the gouty humours were spreading from the feet and hands all over his body, under the skin and in the joints and muscles; there was little fever, and Pier Leoni said there was no danger; he was strong and robust but very restless, and could not attend to any sort of business. Pier Leoni's diagnosis of the malady and analysis of the qualities of the several medicinal waters may still be read with interest by those of gouty temperament in Fabroni's *Vita Laurentii Medicis Magnifici*, ii. 391. The doctor, by the way, had, the patient tells Alamanni, given him a fright, because it was rumoured that he had fled from Padua owing to threatened persecution for practising the black arts. In March Lorenzo was unable to talk over Milanese affairs with his close friend, Pier Filippo Pandolfini, who was on his way from Milan to Rome. A week later, on 10 March, Giovanni made his formal entrance into Florence as cardinal, and thus the great wish of his father's later years was gratified. His last letter is dated 20 March; on the night of 8 April he died.

The earlier part of the fourth section of the catalogue has

not the same importance or continuous interest as those which precede it. The letters comprised in it are of a somewhat miscellaneous character, and their main value often consists in the autograph. But Francesco di Giuliano de' Medici held important offices in the state, and was in constant touch with his cousins of the elder line and their intimate associates. Thus we find a letter from Giovanni, afterwards Leo X, written when a boy of nine, and, as the illustration proves, far better than those of most modern boys of three times his age. There are many from his good-natured brother Giuliano, and one from his sister Lucrezia Salviati. Others are from the hand of Poliziano, Pietro Ardinghelli, Federigo and Filippo Strozzi, and the latter's wife, daughter of the luckless Piero de' Medici. Among the most interesting documents is an apologia written to Francesco di Giuliano's son Francesco by Lorenzino, the assassin of Duke Alessandro; of this a full copy is given. Francesco's son and great-grandson, both named Raffaello, were constantly in high employment under the ducal and grand-ducal lines. Thus all members of this second house of Medici are well represented from 1541 to 1601. There are many letters of Cosimo I, one of his wife Eleanor of Toledo, many from the notorious Bianca Cappello and her husband Francesco I, and so forth down to Fernando I and his wife Christine of Lorraine. In Fernando's correspondence there are frequent allusions to the rebellion of the audacious Alfonso Piccolomini, which might have proved serious owing to the connexion of his family with Siena, which had none too willingly accepted the personal rule of the Florentine despots. Raffaello's manuscript book with cipher key containing copies of his dispatches during his embassy at Ferrara in 1589 and 1590 must be a valuable source for the politics of a critical time. Another document contains the instructions given to him by Christine of Lorraine on his mission to the court of Nancy. Raffaello was to suggest to her father, Charles II of Lorraine, that her husband should effect a reconciliation between him and Henry IV: good catholics, indeed, ought to have no dealings with Henry, but the catholic league had done nothing for the duke, and the war was only causing grievous suffering to Lorraine. In later pages are notes on letters from Cosimo II, Fernando II, Tilly, Richelieu, Louis XIII, and Louis XIV, followed by a list of grand-ducal proclamations and of ordinances on trades and professions.

The catalogue concludes with documents which are necessarily briefly mentioned, but which will certainly prove to be of the highest value for economic history. They consist of ledgers, account-books, and letter-books, mainly of the fifteenth and sixteenth centuries, and cover the whole ground of agricultural,

manufacturing, and commercial life. On one document is a precious note in the handwriting of Cosimo, *pater patriae*. Many give prices of wine, agricultural produce, and stock down or up to donkeys. There are payments of taxes, purchases and sales of government stock, termed *Monte Comune*, sales and leases of houses and shops in Florence. The Art of Wool occupies the longest place; here we have the prices of cloth and rate of wages throughout long years, the imports of raw wool from Spain, the export of cloths to Adrianople to be finished, the costs of transit from Florence to Ancona and thence to the Levant, or from Florence to Leghorn and forward to Lyons. Dealers and agents are found among Turks and Jews at Constantinople, Adrianople, Pera, Brusa, and Gallipoli, which seems to have been a centre for Syrian and Levantine trade. Other consignments pass to Ravenna, Ragusa, Rome, Messina, and Palermo. Closely connected with the woollen trade is the Art of Dyeing, and for that especially important is the supply of alum. In an earlier section Lorenzo solicits briefs from the pope to facilitate the recovery of alum purchased by Henry VII. Alum leads us to soap, and soap is a usual companion to spices and sugar. The Art of Silk and that of the Jewellers find ample illustration; the luxuries extend to velvets, belts, purses, knives and forks of silver and gold, and all kinds of personal ornaments. Those who have ultimately to explore this mine of economic information are greatly to be envied.

The catalogue itself with its excellent introduction by Mr. Royall Tyler, its full genealogies and beautiful reproductions of documents, is a book of high permanent value.³ It is impossible not to feel deep regret at the prospect of the breaking-up of this unique collection, even though portions of it may be made more available for students of history than in the past. It is sincerely to be hoped that at least the correspondence of the years 1489 to 1492 may escape disruption, and in like manner the collection of economic documents. The ideal would be the restoration of the whole to Florence, and a permanent home in the Laurentian Library in preference to the somewhat dingy Archivio, to which scientifically they would belong.

E. ARMSTRONG.

³ A few misprints may be noticed: Vienna for Vienne, p. 62; Aulus for Aulnis, and Anfidia for Aufidia (Offida), pp. 98, 99. On p. 112, lot 429, which is a letter of Lorenzo to Alamanni when ambassador to Milan, dated 19 October 1489, is misplaced among the documents of October 1491.

Robert Hayman and the Plantation of Newfoundland

THE main purpose of this paper is to put into print a remarkable appeal to King Charles I which has hitherto remained in manuscript, but it may be permissible also to give an account of the author, partly because a fuller account can be given than has yet seen the light,¹ and partly because Robert Hayman had such a single-minded and unquenchable enthusiasm for the cause of British colonization that he deserves to be more than the shadow of a name to later generations who have entered into the fruit of his labours.

Robert Hayman was baptized at Wolborough, Devon (near Newton Abbot), on 14 August 1575, as the son of Nicholas Hayman. Nicholas was the eldest son of Robert Hayman, who was apparently a substantial yeoman there and had a number of other sons who mostly married and remained in the parish of Wolborough. Not so Nicholas. He had married Amis, an illegitimate daughter (apparently) of John Raleigh of Ford, Newton Abbot, elder half-brother of Sir Walter Raleigh. Four children were baptized at Wolborough, between September 1574 and March 1578. After this Nicholas removed from Newton Abbot to Totnes, where he became secretary of the Merchants' Company. Five more children were born to him and his wife at Totnes, the baptism of the last being followed a month later by the death of its mother, Amis Hayman (buried 15 May 1586).²

¹ The life of Robert Hayman in the 1908 reprint of the *Dictionary of National Biography* contained additional matter taken from a communication made by me to *Notes and Queries*, 10th ser., x. 23-4. Mr. W. P. Courtney supplied a missing link, 11th ser., ii. 206, and a further communication from me appeared on p. 270. Lately, by help of wills and registers, I have cleared up further points in Hayman's family history. My friend Mr. J. H. Sleeman, late Fellow of Sidney Sussex College, Cambridge, kindly consulted the Wolborough registers for me.

² The children baptized at Wolborough were Mary, 12 September 1574, Robert, 14 August 1575, Anna, 5 September 1576, Richard, 28 March 1578; those baptized at Totnes, Margaret, 6 November 1579, Richard, 21 November 1580, Amis, 7 August 1582, Jenni, 18 September 1583, and a daughter unnamed, 16 April 1586. The name of Hayman's wife is given only in the Totnes register, but the children followed each other so closely that there can be little doubt that Amis was mother of them all. If so, she was a daughter of John Raleigh of Ford. For Robert Hayman, Nicholas's father, by his will (at Somerset House, 12 Daughtry) made 21 January 1576/7 (proved

Nicholas Hayman was an active and influential man at Totnes. He was one of a deputation of Totnes merchants who went to confer with the merchants of Exeter on 11 June 1583, and on 25 April 1586 we find him contributing £25 towards the defences of the country. He represented Totnes in the parliament of October 1586–March 1587, and was mayor in 1589. He subsequently removed to Dartmouth, and represented Dartmouth, Clifton, and Hardness in the parliament of February–April 1593. He died at Dartmouth between January and May 1606.³

He may have provided for his elder son, Robert, some time before. When he made his will, 3 January 1605/6,⁴ he makes only these references to him :

I give and bequeath unto Robert Hayman my sonne my sea-chest wherein my writings are and all writings therein which unto him shalbe appertaininge and also all my bookes. Item I give and bequeath unto the said Robert Hayman two guilte gobletts and a guilte salter hertofore given unto him by his grandfather Rawleigh and his grandfather Hayman by their Wills. Item I give and bequeath unto the said Robert Hayman my best guilte goblet having a picture engraven in him, and also my signett of gold.

Robert Hayman was to be one of three overseers of the will, the others being Mr. Thomas Holland of Dartmouth and William Niel, the town clerk.

We get some impression of Nicholas Hayman from the facts recorded of him. He belonged to the new merchant class sprung of yeoman ancestry. He could not write himself 'armigero', but he possessed land and carried on different businesses; he had been a mayor and twice a member of parliament, and he had sent his son to Oxford. Above all, he was a Devonshire man of the age of the Armada, closely connected with the Raleighs and Gilberts, and one who could call Sir Francis Drake his friend.

4 April 1577), divided his landed property among his sons, leaving the residue to his son Nicholas. He left further 'To Robert Hayman the sonne of Nicholas Hayman [then eighteen months old], my best Goblett gilte and my best silver Salte gilte'. John Raleigh of Ford, by will (54 Rutland) of 28 October 1585 (proved 1 August 1588), bequeathed 'unto Robert Hayman the sonne of Nicholas Hayman one goblett of silver which I bought of Robert Hayman deceased'. Finally, Nicholas Hayman, by will (now in the Probate Registry, Exeter) made 3 January 1605/6 and proved 28 May 1606, bequeathed to his son Robert 'two guilte gobletts and a guilte salter hertofore given unto him by his grandfather Rawleigh and his grandfather Hayman by their Wills'.

³ By his will he left 40s. to the poor people of Newton Abbot, Dartmouth, and Totnes respectively, and to his daughter Amice 'the shopp sellar and courteladge over against my house wherein I now dwell in Dartmouth w^{ch} I have and hold of the Ffeoffees of Dartemouthe for a certaine tearme of yeeres not yet expired', and 'all my timber in the salteseller by the Guildhale of Dartmouth and all my sealinge timber in the farther shopp in the house where I dwell'. To his son Richard he left a tenement called Staplehill in the parish of Hiewecke (Highweek) and three tenements in Newton Abbot which he had purchased of his brother Roger [and which had formerly belonged to their father]. His residuary legatee was his second wife, Joyce.

⁴ Proved 28 May 1606.

Robert Hayman's boyhood was spent at Totnes. He was a lad of 13 at the great victory of 1588. He was himself half a Raleigh. It is easy to understand that the spirit of those stirring times, the spirit of the great Devonshire navigators and adventurers, entered into his blood and remained there to the end. In the most charming lines he ever wrote he tells how, as a child, he had seen and been kissed by Sir Francis Drake :

*Of the Great and Famous, euer to bee honoured Knight, Sir Francis Drake,
and of my little-little selfe.*

The *Dragon*, that our Seas did raise his Crest,
And brought back heapes of gold vnto his nest,
Vnto his Foes more terrible then *Thunder*,
Glory of his age, After-ages *wonder*,
Excelling all those that excell'd before ;
It's fear'd we shall haue none such any more ;
Effecting all, he sole did vndertake,
Valiant, iust, wise, milde, honest, godly *Drake*.
This man when I was little, I did meete,
As he was walking vp *Totnes* long Street,
He ask'd me whose I was ? I answer'd him.
He ask'd me if his good friend were within ?
A faire red *Orange* in his hand he had,
He gaue it me, whereof I was right glad,
Takes and kist me, and prayes, *God blesse my boy* :
Which I record *with comfort* to this day.
Could he on me haue breathed with his breath,
His gifts *Elias-like*, after his death,
Then had I beene enabled for to doe
Many braue things I haue a heart vnto.
I haue as great desire, as e're had *hee*
To ioy ; annoy ; friends ; foes ; but 'twill not be.⁵

In 1586, as we have seen, Robert and his brother and sisters lost their mother. On 15 October 1590 he was matriculated from Exeter College, Oxford, the college which was the special resort of Devonshire men. The university records give his age at this time as '11', but he was in fact 15. He took his B.A. degree on 11 July 1596, so that he remained for more than five years at the university. His disposition was modest, generous, and affectionate, and he made friends at Oxford whom he was proud to remember afterwards, among them George Hakewill, author of *An Apologie of the Power and Providence of God*, William Noy, afterwards attorney-general, Charles FitzGeffrey, the young poet from Cornwall, Thomas Winniffe, afterwards bishop of Lincoln, Robert Vilvaine, who became a famous Exeter physician, a benefactor of his city and college, as well as a very

⁵ *Quodlibets*, book iv, no. 7.

quaint writer; there is even among them 'Father Taylor, Jesuite, sometimes my familiar friend in Oxford'.

In his application for the B.A. degree, Robert stated that he was going abroad, and in a letter written by his father to Sir Robert Cecil in 1600, it was mentioned that Robert, besides being a bachelor of Oxford, had studied at Poitiers. If he proceeded to Poitiers in July 1596, after taking his degree, he can only have stayed there a very short time, as on 16 October of the same year, 1596, he was admitted as a law-student of Lincoln's Inn. Here he had among his contemporaries the famous John Donne, William Noy, his friend of Exeter College, William Hakewill, brother of the theologian, and destined to be a great legal antiquary, and Nicholas Duck,⁶ afterwards recorder of Exeter. Hayman was perhaps not a plodding student: his name never occurs in the records of Lincoln's Inn after his admission. But it is clear that he spent some years about London ('I knew the Court well in the old Queen's days,' he says)—perhaps varied by a sojourn at the university of Poitiers. It is doubtful if he actually knew Jonson, but, now or later, he became a friend of Drayton, and he knew John Owen, whose epigrams he was to translate, and another Devonshire law-student of a literary turn, Edward Sharpham. Sharpham, in 1606, dedicated his play, *Cupid's Whirligig*, to 'his much beloved, respected, and judicial friend Master Robert Hayman', and wrote, 'Since our travailes I have been pregnant with desire to bring forth something whereto you may be witness'. Unless then the word 'travailes' merely means 'common labours', at some time or other Sharpham and Hayman had travelled together.

Hayman's disposition probably tended more towards travel and adventure than to the pursuit of the law. Hence his father's letter of 1 July 1600, in which he solicited from Sir Robert Cecil public employment for him. He was now nearly twenty-five. It may be gathered that there was no response to Nicholas Hayman's appeal, and Robert determined to become a merchant. Already probably he had connexions in Bristol, the great port and trading centre of the west. A few years later one of his sisters became the wife of John Barker, one of Bristol's most active and rising citizens, and a poem of Hayman's, addressed to 'my honest bedfellow Master Edward Payne Merchant of Bristol', suggests that Hayman had found employment at Bristol while still a bachelor. However, on 21 May 1604 he was married at St. Petrock's, Exeter, to Grace, daughter of Mr. Thomas Spicer, whose family was of importance in that city, and who had died nearly four years before. She had been born about October

⁶ Duck was Hayman's first cousin, Duck's mother being Joan, Nicholas Hayman's only sister.

1579, and was therefore more than four years younger than her husband. She seems to have died in the early years of wedlock. We hear nothing of her or of any children in Hayman's later writings or in his will, the only exception being a few words in the dedication of his translated epigrams to the Beauties of England—'the grace and love which I received sometime from one of your sex'. But he remained attached to his wife's family, and addressed poems to various members of it.

Hayman's association with Bristol must have rekindled the spirit of mercantile adventure which had been lighted within him in Devonshire. The consequence was his co-operation in a Bristol scheme for the colonization of Newfoundland. Sir Humphrey Gilbert had claimed Newfoundland for the English crown in 1583, and in 1606 the foundation of two colonies in 'Virginia' having been authorized by royal charter, a ship was equipped and a careful survey of a line of coast was made by the navigator Pring.⁷ In 1607 two more ships sailed from Bristol to establish a settlement, but the emigrants returned to England in the following year. However, in 1610 a number of London and Bristol merchant-adventurers, along with a few courtiers, including Sir Francis Bacon, obtained a patent for the plantation of a settlement in Newfoundland. John Guy, a young and able Bristol man, who had made the two previous voyages, was appointed governor of the incorporation, and turned to his task with energy. Three ships having been equipped with provisions, live cattle, poultry, &c., the governor, with his brother Philip, his brother-in-law William Colston, and thirty-nine emigrants, set sail from Kingroad in May 1610, and reached the island in twenty-three days. The party forthwith set about the erection of a fort and stockade, dwellings, and storehouses, and Guy built himself a residence called Sea Forest House. He returned to England in 1611 on the business of the colony, but set out again in 1612 with a minister of religion, Erasmus Stourton, and more emigrants. When, after this visit, Guy finally returned to Bristol, William Colston became deputy-governor for two years. In 1615 a new governor was found in Captain John Mason of Magdalen College, Oxford, but this strong and able ruler was lost to the colony in 1621 on being appointed treasurer to the royal navy. Meanwhile, another local effort had been made. A note in one of the books of the Society of Merchant Venturers of Bristol states that during the mastership of Alderman Barker, Hayman's brother-in-law, in 1617-18, 'divers merchants of this Society did forward the plantation of land in Newfoundland called Bristol Hope', a district acquired from the adventurers

⁷ For the following facts, see John Latimer, *History of the Society of Merchant Venturers of Bristol* (1903), p. 148, &c.

of whom Guy was governor. It consisted of the promontory running north-east between Trinity Bay and Conception Bay, its chief settlement being at Harbour Grace.

Perhaps Robert Hayman, now a childless widower, was from the first, i. e. from 1617, governor of this plantation.⁸ At any rate he was governor for a series of years till 1628. On first going out he stayed fifteen months in the country, afterwards he seems to have spent only the summers there. In the earlier years good progress was made. Captain R. Whitbourne, in *A Discourse of Newfoundland* (1622), writes :

Divers Worshipful Citizens of the City of Bristol have undertaken to plant a large Circuit of that Country, and they have maintained a Colony of his Majesties subjects there any time these five years who have builded there faire houses, and done many other good services, who live there very pleasantly, and they are well pleased to entertaine upon fit conditions such as wilbe Adventurers with them.

And he includes in his book a letter from Captain Wynne of 17 August 1622 :

At the Bristow Plantation there is as goodly Rye now growing as can be in any part of England ; they are also well furnished with Swine, and a large breed of Goates, fairer by faire then those that were sent over at the first.

But our main source of information about Bristol's Hope is the collection of little poems or epigrams which Hayman wrote in his exile and published when he was in London in 1628. The book, which is now extraordinarily rare, is a quarto, thus entitled :

Q V O D L I B E T S,

Lately Come Over From New Britaniola,
Old Newfoundland-Land.

Epigrams and other small parcels, both *Morall and Divine*.

The first foure Bookes being the Authors owne : the rest translated out of that Excellent Epigrammatist, Mr. *Iohn Owen* and other rare Authors.

With two Epistles of that excellently wittie Doctor,
Francis Rablais : Translated out of his French at large.

All of them

Composed and done at *Harbor-Grace* in *Britaniola*,
anciently called *Newfound-Land*.

By R. H.

Sometimes Gouvernour of the Plantation there.

London,

Printed by *Elizabeth All-de*, for *Roger
Michell*, dwelling in *Pauls Church-yard*,
at the signe of the Bulls-head. 1628.

⁸ There were a number of other ventures for the colonization of Newfoundland ;

Hayman, in many epigrams, commemorates the relatives and friends with whom he had been associated at Exeter, Oxford, London, and Bristol. Many of these, while he had been labouring across the ocean, had risen to great positions—but he will not repine :

A little of my unworthy Selfe.

Many of these were my familiars,
 Much good, and goods hath fal'n vnto their shares,
 They haue gone fairely on in their affaires :
 Good God, why haue I not so much good lent ?
 It is thy will, I am obedient :
 What thou hast, what thou wilt, I am content,
 Only this breeds in me much heauines,
 My loue to this Land I cannot expresse,
 Lord grant me power vnto my willingnesse.⁹

He refused to flatter the great : all his praises were reserved for colonizers :

I knew the Court well in the old *Queenes* dayes,
 I then knew *Worthies* worthy of great praise :
 But now I am there such a stranger growne,
 That none doe know me there, there I know none.
Those few I here observe with commendation
 Are *Famous Starres* in our *New Constellation*.¹⁰

All the great promoters of North American colonization receive a tribute from him : John Slany, treasurer to the Newfoundland company, Sir George Calvert, Lord Baltimore, Dr. Vaughan, Sir Richard Whitborne, Lord Falkland, Sir William Alexander, 'the prime planter in New Scotland', and many more. He is unwearied in proclaiming the advantages offered by the new colony :

To the Worshipfull Captaine John Mason, who did wisely and worthily gouerne there diuers yeeres.

The Aire in *Newfound-land* is wholesome, good ;
 The Fire, as sweet as any made of wood ;
 The Waters, very rich, both salt and fresh ;
 The Earth more rich, you know it is no lesse.
 Where all are good, *Fire, Water, Earth, and Aire,*
 What man made of these foure would not liue there ?¹¹

that of the eccentric Welshman, Dr. William Vaughan (who had been Hayman's contemporary at Oxford) ; that of Viscount Falkland (father of Lucius Lord Falkland, who fell at Newbury) ; and that of Sir G. Calvert, Lord Baltimore, who is praised by Hayman for having personally visited his colony in 1627. All these seem to have purchased parts of the island from the original company.

⁹ Book i, no. 116.

¹⁰ Book ii, no. 106.

¹¹ Book ii, no. 79.

To all those worthy Women, who have any desire to liue in *Newfound-Land*, specially to the modest & discreet Gentlewoman Mistris Mason, wife to Captaine Mason, who liued there diuers yeeres.

Sweet Creatures, did you truly vnderstand
The pleasant life you'd liue in *Newfound-land*,
You would with teares desire to be brought thither :
I wish you, when you goe, faire wind, faire weather :
For if you with the passage can dispence,¹²
When you are there, I know you'll ne'r come thence.¹³

To a worthy Friend, who often obiects the coldnesse of the Winter in *Newfound-Land*, and may serue for all those that have the like conceit.

You say that you would liue in *Newfound-land*,
Did not this one thing your conceit withstand ;
You feare the Winters cold, sharp, piercing ayre.
They loue it best, that haue once winterd there.
Winter is there, short, wholesome, constant, cleare,
Not thicke, vnwholesome, shuffling, as 'tis here.¹⁴

[Of the *Newfound-Land Company*.]

Diuers well-minded men, wise, rich, and able,
Did vndertake a plot inestimable,
The hopefull'st, easiest, healthi'st, iust plantation,
That ere was vndertaken by our Nation.
When they had wisely, worthily begunne,
For a few errors that athwart did runne,
(As euery action first is full of errors)
They fell off flat, retir'd at the first terrors.
As it is lamentably strange to me :
In the next age incredible 't will be.¹⁵

A Skeltonicall continued ryme, in praise of my *Newfound-Land*.

Although in cloaths, company, buildings faire,
With *England*, *Newfound-land* cannot compare :
Did some know what contentment I found there,
Alwayes enough, most times somewhat to spare,
With little paines, lesse toyle, and lesser care,
Exempt from taxings, ill newes, Lawing, feare,
If cleane, and warme, no matter what you weare,
Healthy, and wealthy, if men carefull are,
With much—much more, then I will now declare,
(I say) if some wise men knew what this were,
(I doe beleue) they'd liue no other where.¹⁶

To the first Planters of *Newfound-land*.

What ayme you at in your *Plantation* ?
Sought you the *Honour* of our *Nation* ?
Or did you hope to raise your owne *renowne* ?
Or else to adde a *Kingdome* to a *Crowne* ?

¹² i. e. ' put up '.

¹³ Book ii, no. 80.

¹⁴ Book ii, no. 81.

¹⁵ Book ii, no. 83.

¹⁶ Book i, no. 117.

Or *Christs true Doctrine* for to propagate ?
 Or drawe *Saluages* to a blessed state ?
 Or our o're peopled *Kingdome* to relieve ?
 Or shew *poore men where* they may richly live ?
 Or poore mens children godly to maintaine ?
 Or aym'd *you at your owne sweete priuate gaine* ?
 All these you had *atchiv'd* before this day,
 And all these you haue balk't by your delay.¹⁷

To some discreet people, who thinke any body good enough for a Plantation.

When you doe see an *idle, lewd,* young man,
 You say hee's fit for our *Plantation.*
 Knowing your selfe to be *riche, sober, wise*
 You set your owne worth at an higher price.
 I say, such men as you are, were more fit,
 And most conuenient for first peopling it :
 Such men as you would quickly profit here :
 Lewd, lazy Lubbers, want wit, grace, and care.¹⁸

To the famous, wise and learned Sisters, the two Vniuersities of England, Oxford and Cambridge.

Send forth your sons vnto our *New Plantation* ;
 Yet send such as are *Holy, wise, and able.*¹⁹

Hayman dedicated his *Quodlibets* to King Charles I in terms which showed that to him England was already Greater Britain, and the king of England required a wider title :

To the Kings Most Excellent Maiestie, CHARLES, by Gods especiall mercy King of *Great-Britaine, France, and Ireland &c.*, Emperour of South, and North *Virginia*, King of *Britaniola*, or *Newfound-land*, and the Iles adjacent, Father, Fauourer, and Furtherer of all his loyall Subjects right Honourable and worthie Plantations.

May it please your most Excellent Maiestie, this last right worthy attribute of yours (no way insinuated, but iustly affixed to your more ancient stile) perswades these vnworthy papers to presume (with your gracious leaue and permission) to take the hardines to kisse your sacred hands ; hoping of the like successe, that some vnripe eares of corn, brought by me from the cold Country of *Newfound-land*, receiued from some honest, well-minded louers of that action, when they saw them : who with much-affected ioy often beholding them, took much comfort in what they saw : but more, when they suppos'd it might be better'd, by industry, care and honestie. These few bad vnripe Rimes of mine (comming from thence) are in all humility presented with the like intendiment to your Maiestie, to testifie that the Aire there is not so dull, or maleuolent, but that if better wits were transplanted thither, neither the Summers heat would dilate them, nor the Winters cold benumme them, but that they might in full vigour flourish to good purpose. For if I now growne dull and aged,²⁰ could doe some what, what will not sharper, younger, freer

¹⁷ Book ii, no. 101.

¹⁸ Book ii, no. 104.

¹⁹ Book ii, no. 105.

²⁰ He was fifty-three.

inventions performe there? . . . I suppose it not fit at this time (but attending the successe of this presumption) in some larger manner to make knowne vnto your Maiestie, the inestimable riches of the *Seas* circuling that *Iland*: The hopefull improuements of the maine Land thereof: The more then probable, vnvaluable hidden treasures therein: The infinite abouandance of combustible fierie materials fit for such an employment. . . .

[Of his poems] Meane and vnworthy though they are, yet because some of them were borne, and the rest did first speake *English* in that Land . . . and being the first fruits of this kind, that euer visited this Land, out of that Dominion of yours: I thought it my duty, to present and to prostrate these with my selfe at your Royall feete, . . . vnfeinedly beseeching God to blesse your Maiesty with abouandance of all Earthly and Heauenly blessings. And that you may see an happy successe of all your Forraigne Plantations, especially of that of *Newfound-land*,

I remaine

Your Maiesties well meaning and loyall Subiect

ROBERT HAYMAN.

A manuscript in the British Museum²¹ shows that Hayman when in England in 1628 made one more bold effort through the duke of Buckingham to induce Charles to take an active hand in the colonization of Newfoundland.

To the Duke of Buckingham his Grace.

May it please your Grace,

As I owe the best part of my endeavours to my Soueraigne, and the Countrie wherein I was borne: So haue I allwaies endeauored to expresse it in that station wherein God hath at seuerall tymes seated me. I humble beseech your Grace therefore to afford me your fauour, and to giue me Leave to make knowne vnto your Grace: That haueing bene employed for seuerall yeares in A Newe Plantation I haue seryously studyed which way that yet imperfect busines might be improued to his maiesties and his subiectes best advantage. After seuerall serious ruminations, I haue at last digested somewhat, and I haue an humble desire, an holy hunger to acquaint his maiestie with it: But knowing how much his maiestie is repleted with such kind of propositions, I dare not presume to present myne, without his espetiall Leave, protection and Commaund. Besides the grace, and place you worthily hold vnder his maiestie vindicates in discretion thus much from me, That I first acquaint your Grace with it. It is A Maryne busynes of great Consequence: And therefore as it is within your peculyar, soe your Wisdome will supply it, wherein it is defectiue. As it is (if your Grace will be pleased to read it, and in your wisdome gratusly to weighe it) you shall finde it A busines honorable, profitable, feisable, facill, and oportune; of great aduantage to his Maiestie, and all his Loyall subiectes, and disaduantageous to those his

²¹ Egerton MS. 2541, fo. 163. The manuscript was originally endorsed 'proposicion . . . A° 1630 Conc'. Newfoundland', and it is accordingly indexed as of 1630. As Buckingham was assassinated on 23 August 1628, Hayman's appeal must be of that year at latest. My attention was called to the paper by a reference to it in Prowse's *History of Newfoundland*. The 'Proposition' in the original document is not broken into paragraphs.

neighbours, who are nowe his enymies, A meane to crye quittance with both of them at once, and to be done with Litle Charge, with the certaintye of a large returne. I could easily enlarge my selfe heerevpon. But knoweing your wisdome, goodnes and honorable desires for your Countries good, I forbeare, being ready at your Graces commaund copiously, and humbly to dilate, what by you shalbe required, And in the meane space, and at all tymes I will in all humillitye rest

Your Graces humblie deuoted

ROBERT HAYMAN.

A Proposition of Profitt and Honor Proposed to my Dread, and Gracious Soueraigne Lord, King Charles, By his humble subiect Robert Hayman.

Most Gracious and Dread Soueraigne !

When wise, blessed, happie *Columbus* proposed the proiect of his supposed Westerne Neweland to the Princes, and States of his tyme, He deliuered them Plattes to demonstrate, and proue his supposition. In like sort (with your Gracious Leaue, and fauour) doe I heere present vnto your sacred viewe A Platt of all your Kingdomes, both possest, pretended, and intended. To shewe your maiestie howe conueniently they are seated by God, for the mutuall supportation each of other ; haueing noe impediment ; but an easie Nauigable sea interposed. But amongst the many seuerall parcells, which God in his mercy hath made you Lord ouer, I recommend to your maiesties spetiall viewe, and consideration, A Land of yours, first found by your wise Ancestor Henrie the seauenthes direction, and charge. A worke reserued for you to finish, and to furnish with Millions of your subiectes to their good, and your honor. It is the Iland called by vs your subiectes *Neue found land*. {In this Iland at one tyme I Liued fiteene Monethes together, and since I haue spent almost euery sommer in it : Where haueing onely had the ouerseeing others hard Labour to distract me, I had tyme to see, to confer, to enquire, to obserue, and to discouer ; by this meanes furnisheing my selfe, with something more then many that haue bene oftner their, and fully knoweinge howe beneficiall the knowedge thereof would be, to all your Loyall subiectes, I haue had a longe longing intendiment to write somewhat, for their benefitt, and this Countries good : But seeing to my greife the poore successe of diuers of these well meant generall treatises, redd ouer by many, liked by some, deryded by others, neglected in their practize by almost all, and those fewe that haue endeauored to doe somewhat, either they haue insufficiently begunne, or haue bene deluded or wronged by those they haue imployed, or mistaken their good meaning, or haue not been able to proceede, or out of hart with poore short vnexpected returnes, or demaundes of newe supplies : That, vnlesse your maiestie suddainely assist, this worthie busines is like to vanishe Lamentably and ridiculously.}

My longe acquaintance hereof bredd A knowledge in me of the goodnes, and greatnes of it, My certaine knowedge a zealous, and holy Loue therevnto, and my Loue drewe me, to a sadd, and serious studie how it could be, that soe many seuerall endeauours, by discreet and able vndertakers, should bee to soe little purpose, where there was

matter in abundance to make it otherwise. Your famous, and wise father granted A Pattennt of this Iland to certaine Noblemen, gentlemen, and Marchantes ; These Noblemen were but onely named, or aduentured very little : These gentlemen were soone made weary : These Marchantes acquainted with more speedie gaine, first falling out amonge themselues, by reason whereof the principall vndertaker, A Man of their quallitie wise, yet vnconstant, falling of, they concluded to deuyde the Land into seuerall shares, since when, some haue done a little to noe purpose, and the most nothing. I confesse since that time, diuers noble gentlemen haue endeauored somewhat in this Land. First Sir Parcivall *Willoughbie*, then *Doctor Vaughan*, and haue bene wronged by vn honest, idle, vnfit men their employed by them, and my Lord of *Falkeland* worse. Onely my Lord of *Baltamore* hath after much iniurie done him, aduentured happily thither himselfe, where seeing howe to mend it, and the goodnes of the Action, resolues wisely to see his busines done himselfe, and *Doctor Vaughan* (as he tells me) intendes to followe his course.

But experience both of former, and these tymes, makes me iealous²² of their sucresse, vnlesse your maiestie wilbe pleased to stepp in, to backe them, and by your royall example drawe on others ; For if wee looke backe into former tymes, wee shall perceiue that *Wales* aduentured first vpon (by chance, by one almost of both my names²³) with some valliant followers, had bene their Confusion, if the kinges of *England* themselues, had not taken the busines vpon them. Our next Conquest, and Plantation *Ireland*, was to noe purpose, vntill our kinges of those tymes did mannage it themselues. And I belieue the *West Indies* (howsoever aboundinge with rich returnes) had not soe easily, or soe speedily bene possesst, but that they might haue bene preuented, had not the kinges of *Spaine* vnder-taken it themselues. I humblie beseech your Maiestie not to conceiue amisse of my insinuation herein, but to respitt your iudgment, vntill I haue shewed you all my honest meaninge, As I haue reason to beleiue that this *Plantation* will neuer proceed to purpose, but be subiect to interruption, dispossession, disgrace, and losse, vnlesse your maiestie doe particularly mannage some busines there. Soe I doubt not to proue that it wilbe an action worthie of soe highe a Maiestie, infinitely gainefull to your selfe, and heires, and to your subiectes, such, soe easie, and soe great an aduantage, that the whole earth affordes not the like. ¶ I confesse that the Commodities as yett brought from thence are in their particulers base, and meane : yet they honestly employe many people, and make more seamen, then all our sea-trades els, mainetained the one halfe of the yeare, with halfe the allowance, which either they should haue at home, or in other voyages. And I darr averr, and proue, that this trade hath furnished *England* for these many yeares, with more money, then all our forraigne trades els, and it hath brought from *Spaine*, siluer, and gold, more cheapely, and conueniently, then the *Spaniards* haue had it, from their *Indies*. ¶ Yet doe wee hitherto possesse, not a third of that busines, and might easily haue all. If this Land were peopled I darr proue vnto your Maiestie that A thowsand good shippes, might easily be employed in the businesse about that land, for that one Comoditie of

²² i. e. doubtful, suspicious.

²³ Robert Fitz Hamon, earl of Gloucester, c. 1080.

fishes, and many other for other businesses, that would by that *Plantation* followe.

But it may be thought, that as nowe wee stand with *France*, and *Spaine*,²⁴ this great quantatie of fishes, will haue small vent. And I knowe that the *Mallawyns*²⁵ haue promissed their king, and the *Biskans* theirs, to furnishe them with this Commodity, wherevpon they haue not onely proclaimed forfeiture of importation thereof taken by vs, but I heare in *Spaine* *Hamburgers* were this yeare denounced for doeing it. But your maiestie might easily amend this, in preuenting theirs, and forcing them to be gladd of ours, for without this Commodity, their people cannot conueniently subsist. Hunger (they say) will breake stone walles, and it will easily enforce the alteration of inconuenient Lawes. And experience in the raigne of famous *Queene Elizabeth* teacheth me soe much, when they were willing to haue it from vs, and brought vnto them, by their veryest enimies the *Hollanders*. [I darre not for feare of offendinge your Maiestie enlarge my selfe, herevpon omitting many particulers, at your Commaund to be related: As those other knowne Comodities of tarr, and pitch, mastes, and other timber, fures and many others, fitt for your home kingdomes, and nowe brought at hard rates from other partes. The temperature of the ayre, the wholesomenes of hearbes, and simples, and the more then probable hidden treasures of rich mettalles, and other myenes: For all which I could giue manifest reasons, that this Land is richely worth the possessing, whereof your maiestie neuer had a more fitter oportunitie, then nowe, for these reasons; There is a rich fisheing very neere this land called the *Banke*, where there doe yearely fishes at least 400 *French* shippes, and from whence your subiectes haue neuer reaped any Commodity. Your maiestie may nowe be maister, both of the greatest part of those shippes, and absolutely Dispossesse them thereof.]

[And if your maiestie would be pleased, to yeild to an humble request of myne, I should intreate that your Maiestie would build, or beginn at least A Cittie in that part of this Iland, where I haue placed your *Carolinople*, and to priuiledge that towne, with that fisheing: your maiestie might likewise make it A *Mart*, or free *Markett* for fishes; It hath two goodly harbours, one in the one bay, and another in the other, being but three myles distant one from the other; It would quickly growe stronge, populous and riche, and be the *Emporium* of this newe kingdome, and yeild your maiestie a great Reuenue, which if your maiestie would like, I would humbly pray that this Iland might be called *Britaniola*, being in her forme much like your *Britania*.] I haue before touched a second reason of the present oportunitie. The *French* and *Biskans* doe yearely in great numbers fishes at the *Mayne*, and in harbours; These your maiestie may likewise possesse yourselfe of, and quickly make them wearie, and preuent those feared daingers, of either hindringe our shippes, in their fisheing, or our selues and markettes at their homes. These thinges being both feazable, and conuenient, I hope your maiestie

²⁴ There was war with Spain from 1624 to 1629, with France from 1627 to 1629. The latter fact helps to date this document.

²⁵ The Bretons of St. Malo.

will not onely consider it, but effect it. These things I doe but point at, knowinge the inconueniencie of tediousnes, to a Judgement wise, and Angelicall, yet I humblie beseech your maiestie that I may annex this: That vnlesse your maiestie spedily preuent it, the *French*, and *Biskans* are likely to doe the like to vs, and vtterly to dispossesse vs, of that rich trade.

There is one thinge more I desire to make knowne to your maiestie, And I humblie intreate you to weighe it seriously; Salt is both at this tyme very deare, and is like to be soe, vntill your enimies shall doe your maiestie right. And when *Peace* shall heereafter be requested at your handes, yet your fisheing kingdomes of *Britaniola*, *Neue England*, and *Neue Scotland* with your home kingdomes, may be prouided from A land which nowe may easily be your maiesties. There are certaine Ilands, called the Ilands of *Cape de Verd*, whereof the Isles of *May*, and *Sal* are either not peopled, or meanely possesst. If your maiestie would be pleased to send people to take it, and possesse it, it would not onely yeild your kingdomes an abundant plentie of salt, but *May* would be made A conuenient *Mart*, for the rich trade of that part of *Africa*, to the quicke enriching of our inhabitantes theire, and your maiesties inualluable gaine, both by salt, and that other rich trade. And by peopleing of these Ilands, those others their neighebour (seuerall tymes allreadie taken) may the easier be possesst by vs, and the better kept, your maiestie shall likewise thereby preuent the Indian fleetes refreshing themselues, in the outgoeing, and cutt them offe from their fisheing at *Cape de Verd*, and possesse your subiectes thereof likewise. I doe but dictate²⁶ this neither, because Circumstances, and obiections, may better be dilated, and answered, by discourse then writinge. Of *Newfoundland* the personall present profitt thereof, you may easily in your wisdome collect it heerehence, And time heereafter will [giue] fitt oportunitie of larger improuement.

There is but one thinge more conuenient to be thought on, *Shippes*, *Money* and *Men*, to doe this worthie busines. As theire shall not neede many shippes, Soe God be blessed your Maiestie is well prouided of your owne, and of your subiectes, and men there are enoughe, and if your maiestie be pleased to like the rest, I doubt not but money maye quicklye be had for such a busines, honorably, religiously, and Conueniently. (The willing helpe you shall haue from your subiectes, The easie Conuenient and cheape transporting thither of people, and all other necessaries, with lesse then halfe the charge, to any other *Plantation*, the rectifying of present disorders in that trade, your maiesties priuate, your subiectes publique vnexpressible profitt, the Lawfullnes, the necessitie of this oportune Action, the Inconueniencies, and daingers if omitted, I omitt for feare of offending.) And if my breuitie hath heerein caused any obscuritie, I am readie at your Maiesties Commaund at all tymes to expresse my meaning, Referring all to your maiesties wise determination, with this humble request; That as *Alcybiades* tooke the space of repeating the fower, and twentie Letters for his ordinarie answers: So your maiestie would be pleased to lett the like number of houres respest²⁷ your

²⁶ So manuscript; perhaps for 'I doe not dilate'.

²⁷ i. e. respite.

determination herevnto. And thus beseeching God to blesse your maiestie with the blessinges of this world, and in the world to come, I will euer remaine

Your Maiesties

Well meaning though the meaneest
of all your Loyall subiectes

ROBERT HAYMAN.

Neither of Hayman's appeals had any success. Charles was occupied in quarrels with his parliaments and at his wit's end to raise money for ordinary purposes, and on 23 August 1628 Buckingham was assassinated in the house of that Captain John Mason whose government of Newfoundland had been so highly praised by Hayman. Apparently Hayman now realized that there was no hope at present for Newfoundland, and as a matter of fact about this time all the colonizing enterprises there were abandoned.

But Hayman was a Ulysses who could not rest in Ithaca, and he at once entered on a new quest. In 1620 James I had granted by letters patent to a company of adventurers, headed by the duke of Buckingham, the territory of Guiana and the royal river of Amazon. It was to Guiana that Hayman now turned his eyes. He formed a little company with a capital consisting of twenty-six shares, of which he held twelve, and he made preparations to take out a new batch of colonists to help to found an England in South America. Before he started he made his will.²⁸ It was dated 17 November 1628.

In the name of God Amen. I Robert Hayman being by Gods mercy in perfect health both of bodie and minde, doe make this my last will and Testament in maner and forme following being bound by Gods leave to Guiane in Amerycya to setle a plantation there Imprimis my Soule I bequeath to God my Creator and Redeemer, My bodie to be buried as it shall please those who shalbe with mee at the tyme of my decease, whatsoever I have to give of any worldly wealth whether it be in England or where-soever beyond the seas I give and bequeath and leave wholly and totallie to my loving Cosin and Nephew Thomas Muchell of Longaston in the Countie of Somersett whom I make my whole and onelie Executor of this my last will and Testament And whereas I have left in the hands of Doctor Ducke Chauncellor of London two pollicies of insurance the one of one hundred pounds for the safe arivall of our Shipp in Guiana which is in mine owne name, if wee miscarry by the waie (which God forbid) I bequeath the advantage thereof to my said Cosin Thomas Muchell and make him my whole assigne for recovery thereof to his owne proper vse Item whereas there is an other insurance of one hundred pounds assured by the said Doctor Arthur Ducke on my life for one yeare if I chance to die within that tyme I entreat the said doctor Ducke to make it over to the

²⁸ At Somerset House, 1 Russell.

said Thomas Muchell his kinsman and to help him in the recovery thereof if need require Item Whereas there is a Charter party betwixt me Robert Hayman and one Francis Core Mathew Brett Robert Hunt and divers for continuing a plantation in Guiana in America aforesaid and wherein of all partes it is conditioned that the whole provenence and profitt thereof shalbe devided into Twentie sixe partes whereof twelve partes thereof are to be to me Robert Hayman my executours Administratours and assignes as by the deed Indented more plainly maie appeare being like wise left in trust in the hands of the aforesaid doctor Arthure Ducke I whollie bequeath it to my said Cosen Thomas Muchell and make him my Executor administrator and assigne thereof to take thereof what profitt soever shalbe made thereby to his owne vse he havinge adventured sixty pounds of the said money with mee in this voyage yet my will is and I desire him to see it performed that those other of my friends who hath likewise adventured severall sommes of money as he well knowes be there out paid three tymes their adventure according to agreement which he likewise knowes Thus prayinge God to blesse both him and mee beseeching the divine providence to send vs a ioyfull meetinge in this world or in the world to come I ratifie and confirme this as my last will & testament having written this with mine owne hand and sealed it with my seale and signed it, the seaventeenth daie of November One thousand sixe hundred twentie eight being the fowerth yeare of the Raigne of Kinge Charles By me Robart Hayman

In the witnes of theis vnderwritten

William Herne John Iuxe

Vicesimo quarto die mensis Ianuarij Anno domini . . . Millesimo sexcentesimo tricesimo secundo emat.²⁹ Commissio Richardo Peter vni Creditorum dicti defuncti Ad administranda bona iura et credita dicti defuncti iuxta tenorem et effectum Testamenti huiusmodi eo quod Thoma[s] Muchell Executor . . . mortem obiit ante testatorem. . . .

What befell Hayman and his fellow colonists in Guiana, we know not. The records of that country, so far as I have seen them, are ignorant of his name. All we do know is that his will was proved on 24 January 1632/3. Some months before this, we must suppose, the brave single-hearted pioneer of British empire had fallen a victim to a deadly climate or treacherous savages, and had found his last rest under the shade of the tropical forest.

G. C. MOORE SMITH.

²⁹ Apparently for 'emanavit'.

*British Policy towards the American
Indians in the South, 1763-8*

FROM the seventeenth century Great Britain was interested in the development of the Indian trade in the southern colonies of North America, and throughout the first half of the eighteenth there are numerous illustrations of the attractiveness of this branch of commerce, its extent, value, and political importance.¹ Even before the establishment of the colony of Georgia, Carolina and Virginia traders had engrossed a large amount of the trade with the Cherokee and were rapidly extending their activities to the neighbouring nations on the south and west. Adair, in his *History of the American Indians*, published in London in 1776, vividly portrayed some aspects of this trade, in which he himself had taken part for forty years. Hence, when in 1763 British sovereignty was acknowledged over the region in which French and Spanish influence had hitherto in varying degrees predominated, this interest was already planted in certain sections of the Indian country. In some quarters there was strong Indian opposition to the British, based upon a fear of territorial aggrandizement, a fear which was fomented in some instances by the French. Nevertheless the British had already laid the basis for a working arrangement with the Indians through their trading interests. But their relations still required definite adjustment. The attractiveness of the lands tempted English settlers, and the latter's aggressions had to be checked in order to preserve peace with the nations and to render their trade secure. It is with this problem of adjustment that the present inquiry is concerned.

Before the news of the conspiracy of Pontiac was known in London, the earl of Egremont, secretary of state for the southern department, sent a communication to the governors of the four provinces constituting the southern Indian district in North America, and to John Stuart, superintendent of Indian affairs in the same department, directing them to summon the Indian nations of that region for a general congress.² The purpose of

¹ Cf. C. H. McIlwain, *Wrazall's Abridgement of the New York Indian Records, 1751-1768*, pp. xxxii-xxxiv.

² Egremont to Dobbs, 16 March 1763, *North Carolina Colonial Records*, vi. 974 f. This was a circular letter sent to the governors and to the superintendent.

this congress was to apprise the Indians of the reasons for the transfer of the land from the French and Spanish to the English, which had been effected by the treaty of Paris in 1763; and to establish peace and confidence between those nations and their new ruler by the assurance that 'the English feel a particular Satisfaction in the Opportunity which their Successes afford them, of giving the Indians the most incontestable & substantial Proofs of their good Intentions & cordial Desire to maintain a sincere & friendly Correspondence with them'.³ Immediately after the receipt of this instruction the Indians of the south were invited to the congress. It was due to the action thus fortunately suggested by the British government and so promptly executed by Stuart and his colleagues that the ramifications of Pontiac's conspiracy did not extend into the south.⁴

After considerable delay in fixing upon a meeting-place, the congress assembled at Augusta, Georgia, on 3 November 1763.⁵ Here Stuart addressed an assembly including the governors of Virginia, North and South Carolina, and Georgia, with whom he was co-operating, and representatives from the southern nations—Creeks, Choctaw, Cherokee, and Chickasaw—numbering in all about seven hundred. During the following days the Indians presented their grievances; ⁶ they complained of the excessive number of traders in their country and the encroachments of the British on their lands. The definitive acts of the congress ⁷ con-

³ Egremont to Dobbs, 16 March 1763, *North Carolina Colonial Records*, vi. 974 f.

⁴ So far as I am aware no similar effort was made by the government to conciliate the northern Indians.

⁵ This place was originally suggested by Egremont on 16 March. The governors, however, consulting their own convenience and also desiring to assemble the Indians at a place where they would be under a greater check than in the sparsely settled frontier region about Augusta, proposed to hold the congress at Dorchester, about thirty miles west of Charleston. But the Creeks, residing immediately west and south of Georgia, and the Chickasaw, living in the region of the Mississippi River, refused to proceed further into the settlement than Augusta. See 'Journal of the Proceedings of the Southern Congress at Augusta, 1 October–21 November 1763', *North Carolina Colonial Records*, xi. 156–79; and communications from Governor Wright of Georgia, 11 October 1763, *Colonial Records of Georgia*, ix. 97 f. The interpreter to the Chickasaw and Choctaw began to negotiate with those nations about the middle of July: *North Carolina Colonial Records*, xi. 176 f. In May 1763 the governor of Georgia informed the Creeks of a general meeting in the autumn: *Colonial Records of Georgia*, ix. 70 f.

⁶ The Chickasaw complained that many traders caused disturbances in their country while on their way to the territory of the Choctaw. They were answered by the assurance that henceforth traders would proceed from Pensacola and Mobile, since these ports now belonged to the British. As to the boundary of the territory about these settlements, and also about St. Augustine, nothing could be determined until the arrival of the governors of East and West Florida. It was understood, however, that the English would not push further inland than the flowing of the tide. The Cherokee requested that no settlements should remain west of the Holstens River in Virginia and Long Canes in South Carolina. See the journal of the congress, as above.

⁷ Journal, as above, pp. 156 ff.

sisted in the granting of a reservation to the Catawbas and in determining a boundary between the settlements in Georgia and the Indian hunting lands. In addition, assurances were given on the one side that the Indians should be given opportunities for trade, and on the other that the traders would be secured against attack.⁸ This congress, the only one ever held at which all the nations of the south were assembled, set the example for several similar meetings during the next five years.

The subjects of discussion at the congress of Augusta illustrate the problems of Indian management which became especially perplexing in the period following 1763. When sovereignty over the land east of the Mississippi River was transferred to the English crown in that year, not only a vast territory but thousands of natives as well came under its dominion. Now the problem of disposing of the lands would have been simple had not the Indians been loath to accept the political and commercial security offered by a power which was already crowding them on their eastern borders. Under the rule of France they had retained undisturbed possession of their lands. French settlers were rare indeed, and the traders asked for no permanent land grants. They had, moreover, no boundary line. Their plan of administration consisted in leaving the forests open to the Indians for hunting and in establishing posts where merchant and Indian could meet for the purpose of trading. Under this arrangement the country was divided into districts recognized by the Indians, within which the trader was licensed to carry on his trade, but beyond whose confines he was forbidden, under severe penalties, to sell his goods.⁹ The trade was carried on 'by means of numerous well chosen posts and forts, sufficient as well to overawe as to supply all the Indians'.¹⁰ The character of the French trader generally ingratiated him with the natives; for, besides possessing a suave, tactful manner, which pleased them, he was able to adapt himself easily to their life and manners. His influence was strengthened by the consideration and respect he showed towards them and by the large gifts he distributed among them.¹¹ By their 'dextrous culture of the Indians, under the great disadvantage of inability to supply their wants', the French 'were possessed of their affections in a much greater degree than the English. The System they adopted for governing them was suggested by

⁸ *Ibid.* The treaty was signed 10 November 1763. There is nothing said about licensing the traders by the royal government, as stated by Hamilton, *Colonial Mobile*, p. 240. The individual colonies still controlled their trade, as the proclamation of 7 October 1763 had not yet been received.

⁹ Carter, *Great Britain and the Illinois Country, 1763-74*, p. 83.

¹⁰ Shortt and Doughty, *Documents relating to the Constitutional History of Canada*, p. 100.

¹¹ Winsor, *The Mississippi Basin*, p. 408.

observation of their disposition and customs'.¹² One of the most striking phases of French control was the fact that the governors of Canada and Louisiana, which included all the French possessions in North America, were each superintendent in his department, and as there were no other governors, there was no competition or clashing of jurisdiction and authority.¹³

In contrast to the French policy of centralization of government was the decentralized policy of the British, according to which each colony managed its own trade, and each strove for the largest share. Commercial relations with the Indian country were carried on by traders from the different colonial jurisdictions, who bartered such necessaries as the Indians required for half-dressed deer-skins, beaver and other furs. The traders from the different provinces were under very different regulations. This is well illustrated in the exploitation of the trade with the Cherokee nation, which was contiguous alike to Virginia, North and South Carolina, and Georgia. All who desired might go into the nation with goods from Virginia and North Carolina without being licensed, laid under any regulations, or giving any security for their good behaviour.¹⁴ In South Carolina Indian trade was carried on under very different conditions. In 1762 a law was passed under the title of 'An Act to regulate the Trade with the Cherokee Indians, by taking the same into the Hands of the Publick of this Province', the declared object of which was to prevent disorderly and worthless people going among the Indians as traders and pack-horse men—a course which had led to great confusion and mischief—and to supply the necessities of the Indians upon equitable and moderate terms.¹⁵ Neither of these objects, however, was achieved, because the law did not operate beyond the limits of the province and consequently did not affect people trading from any of the other three provinces. In Georgia likewise trade was regulated by a provincial law. But all such laws were virtually nullified by the lack of co-operation between the provinces. A trader from one province did not consider himself subject to the regulations made in any of the other three, and was responsible for his actions to that government only from which he had received his licence or from which he traded. Hence competition between the provinces often arose. Under this system great numbers of traders, unscrupulous in their methods, entered the Indian territory. They won trade by underselling their stores, a policy which in the end proved ruinous. Parties were frequently formed by the different traders among the Indians which resulted in confusion and disorder. Another

¹² Stuart to Lords of Trade, 9 March 1764, Colonial Office, 323, 17. Cf. McIlwain, *passim*.

¹³ Stuart, *ubi supra*.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

injurious practice was the sale, in the region further west, of English goods to the French, who were thus doubly benefited by the peltry trade. The Indians, moreover, had a serious grievance in the extensive traffic in rum, under the influence of which they were cheated in business, defrauded of their lands, and physically and morally corrupted.¹⁶

This general condition obtained until the opening of the French and Indian war. Perceiving the need of supervision of Indian affairs, the Board of Trade, in 1755, appointed Sir William Johnson as superintendent in the district north of Virginia,¹⁷ and Edmund Atkin in the southern district, including the provinces of Virginia, North Carolina, South Carolina, and Georgia. Atkin died, however, in 1762, and was succeeded by Captain John Stuart.¹⁸ In 1761 the purchase of Indian lands was taken out of the hands of the colonies and placed under the authority of the home government. It had been the policy of the British government, whenever it claimed and maintained sovereignty over a territory, to extinguish the Indian title through treaty and purchase in order that there might be no barrier to the complete exploitation of the land.¹⁹ In the older colonies the frontier was in this manner extended further to the west as the number of colonists increased. The Indians supported this policy only in so far as it formally recognized their claims to the lands.²⁰ They might sell these possessions voluntarily; or, as happened quite as often, the pressure of a neighbouring settlement and the offer of a few desirable trinkets, which captivated their fancy, might induce them to relinquish their title. In the latter case, the material considerations very soon wore out or were forgotten. And again, close upon their hunting grounds, were the British settlements. The French policy was more generally favoured, then, because it left the Indians in apparently undisputed dominion over their hunting grounds.

In view of these conditions, conflict between the British and French influences in the wilderness was inevitable. Even after France formally transferred the territory to Great Britain in 1763, the French trader continued his activity in spite of the fact that British traders now possessed the sole right to sell goods west of the Appalachian Mountains. Immediately the dire predictions of the *coureurs de bois*, concerning encroachments by the British and the confusion to trade resulting from an overwhelming number of traders, began to be realized. This unfor-

¹⁶ *Ibid.*

¹⁷ Alvord, 'Genesis of the Proclamation of 1763', in *Michigan Pioneer and Historical Collections*, xxxvi. 12.

¹⁸ Smith, *South Carolina as a Royal Province*, p. 224.

¹⁹ Winsor, *Mississippi Basin*, p. 323.

²⁰ *Ibid.*

tunate situation led to the great Indian conspiracy which emanated from the shrewd mind of Pontiac and was aimed at the crushing of British power in North America.²¹ The possibilities threatened by the outbreak of this widespread rising made immediate action necessary. A general policy was, therefore, hastily conceived and announced in a royal proclamation on October 7, 1763. It provided, among other things, for the erection of three new provinces on the continent, Quebec, East Florida, and West Florida.²² According to its terms, the Indians were not to be molested or disturbed in their possession of such lands as 'not having been ceded to or purchased by us are reserved to them, as their Hunting Grounds'; land grants beyond the bounds of the new colonies were forbidden without royal consent; and a temporary provision was made, 'until our further Pleasure be known', that in the other colonies no settlements were to be formed beyond the heads of any of the rivers which fall into the Atlantic Ocean. Definite grants must henceforth be made by treaty or purchase between the last frontiers and the crest of the mountains; for the present the vast region west of the mountains and beyond the limits of the new colonies was to remain undisturbed Indian territory. In this way the Indians' fears of extensive encroachments were calmed. Provision was made, moreover, that trade within this Indian preserve should be free and open to all English subjects. It required

every Person who may incline to Trade with the said Indians to take out a License for carrying on such Trade, from the Governor or the Commander in Chief of any of our Colonies respectively where such Person shall reside; and also give Security to observe such Regulations as We shall at any Time think fit, by ourselves or by our Commissaries to be appointed for this purpose, to direct and appoint for the Benefit of the said Trade.²³

It further obliged the governors

to grant such Licenses without Fee or Reward, taking especial Care to insert therein a Condition, that such License shall be void, and the Security forfeited in case the Person to whom the same is granted shall refuse or neglect to observe such Regulations as We shall think proper to prescribe as aforesaid.

Before the trade provisions thus summarized were known to all American officials, especially in the interior of the country, a policy somewhat similar in purpose had been announced by the military authorities. In March 1764 Colonel James Robertson,

²¹ It was Stuart's opinion that Alabama Mingo, of the Choctaw, and the Mortar, of the Creeks, were associated with Pontiac, but that the former had refused to join forces actively with that leader until actual settlements by the English should be attempted. See letter from Johnstone and Stuart, 12 June 1765, *Mississippi Provincial Archives*, i. 184 f.

²² Shortt and Doughty, pp. 119 f.

²³ *Ibid.*

whom General Gage had placed in charge of the southern military district, issued orders forbidding the exaction of duties at the ports of Pensacola and Mobile, and announcing that the trade with the Indians should be free and open to all. Information of this order was at the same time transmitted to Stuart.²⁴

The home government intended that a general plan for the political and commercial control of the Indians should soon be devised. In the following year, accordingly, the ministry, after consulting a number of persons familiar with American conditions—particularly Sir William Johnson, and his deputy George Croghan, and Captain John Stuart—framed a scheme for the management of Indian affairs. This plan²⁵ proposed to continue the two departments into which the Indian territory had been divided, each under the control of a superintendent who was to possess full authority in all Indian affairs independent of the civil authorities.²⁶ The trade was to be open to all British subjects, so long as they obtained licences. It was provided that

all persons intending to trade with the Indians shall take out licenses for that purpose, under the hand or seal of the Governor or Commander in Chief of the Colony from which they intend to carry on such Trade, for every which License, no more shall be demanded than two Shillings. . . . All persons taking out Licenses shall be under bond . . . for the due Observance of the regulations prescribed for Indian Trade.

According to the scheme, no private person, society, corporation, or colony might purchase or obtain by treaty any lands from the Indians except within the limits of the colony: as for the area between the lands open for settlement and Indian territory, measures were to 'be taken with the consent and concurrence of the Indians to ascertain and define the precise and exact boundary and the limits of the lands'; and the purchase of the

²⁴ Colonial Office, 5. 85.

²⁵ See *New York Colonial Documents*, vii. 637 f.; Alvord and Carter, 'The Critical Period', *Illinois Historical Collections*, x. 273 f.; Shortt and Doughty, pp. 433 f. The ideas of Stuart, as set forth in detail in his comprehensive report of 9 March 1764, are closely followed.

²⁶ The status of the superintendents in relation to the civil and military departments was not defined. But the government always regarded them as independent of the civil power and subordinate to the military. They acted directly under the authority of the commander-in-chief of the British army in America. The following extract from a letter of Shelburne to Stuart, under date of 11 December 1766, makes clear the relation of the Indian and military departments: 'You are therefore to take the Orders of the Commander in Chief on all interesting occasions, who being settled in the center of the Colonies, will carry on the Correspondence with the Governors on all such Points as are out of the Course of Business, and as he will be very particularly instructed by Administration, you are to look upon him as a proper medium of material Intelligence either to, or from England, or the Colonies. At the same time you are to convey every sort of material Intelligence directly to me, and to correspond with the Governors of the different Provinces in your District, as occasion offers or may require'; Lansdowne MS. 53, fo. 295.

land from the crown or proprietor beyond that already belonging to the colony was only to be made at general meetings in the presence of the representatives of the tribes to whom the lands belonged. After the grant had been made it must be accurately surveyed by English surveyors and by a representative of the tribe concerned.²⁷

This general scheme, which required the sanction of parliament because it involved raising a tax to bring it into operation, never became law. It was sent, however, to the superintendents of the northern and southern districts with the suggestion that it should be acted upon so far as was practicable.²⁸ Sir William Johnson delayed to make use of it until 1766, but John Stuart, of the southern department, began immediately to take steps for carrying out the principle contained in it.²⁹ The task was beset with many serious difficulties. At this time the trade, which was normally confined to the towns of the nation,³⁰ was in an even more disorganized state than before the announcement of the proclamation of 1763 which had made trade free and open to the public at large. Each of the six provinces continued to presume to regulate its own tariff. Although the traders were bound to observe any general regulations which might be drawn up by the representatives of the crown, in no other respect were they limited.³¹ The licences issued in accordance with the proclamation of 1763 had 'filled all the nations with people that could not or would not choose to reside in any Society subjected to Laws' and who, by their licences, 'are not subjected to pay any obedience to the superintendent or his officers', and who

²⁷ The importance of this provision in the judgement of the ministry is illustrated by the terms of the proclamation of 1763 and the plan of 1764. While the Indians were conciliated by the restriction of British settlement on the west, the trade was so regulated as to give England the monopoly. This attitude was not changed even by 1772, when the lords of trade declared that the purpose of colonizing America had been to extend the commerce of the kingdom. The Indians judged the policy of the British government by the acts of the colonists, who were greedy for land and unscrupulous in trade.

²⁸ 'Representation of the Lords of Trade on the State of Indian Affairs, 7 March 1768', *New York Colonial Documents*, viii. 24 f.

²⁹ Stuart to Pownall, 24 August 1765, Shelburne MS. ix.

³⁰ 'Plan for the future management of Indian affairs.' There were fewer nations in this district than in the northern, but they consisted of greater numbers of men, 'live more compactly and contiguous to our Provinces & more in community with each other than the northern tribes': Stuart to Pownall, 8 August 1766, Colonial Office, 5. 67. Although, as Governor Grant of East Florida suggested, 'carrying on Trade with the Indians at established Posts is by much the more eligible Method, & it would be to the advantage of the government if that Plan could likewise be extended to the Southern Provinces', nevertheless 'to avoid giving Umbrage to any of the Towns, It will certainly be advisable to open a Trade to each of them, which is likewise necessary on account of the Distance there is between the Several Towns of the same Tribe': Stuart to Board of Trade, 1 December 1764, Colonial Office, 323. 19, 20.

³¹ Stuart to Pownall, 24 August 1765, *North Carolina Colonial Records*, vii. 108 f.

'are entirely removed from every Jurisdiction or Authority by which they may be kept in order & their Enormities punished'.³² Moreover, there grew up the abuse of the employment of a large number of 'under-traders' by licensed traders. These men crowded the Indian country. In the whole Choctaw nation there were only three regularly licensed traders, and in the small nation of the Chickasaw of three hundred and fifty gunmen there were seventy-two traders of the lower class.³³ This condition of things undoubtedly augmented the bad impression of the English which the French had left on the minds of the Indians.

Thus the prevailing tendency was discouraging and fraught with grave danger to British interests. It was, therefore, extremely opportune that Superintendent Stuart called a general congress at Pensacola in May and June 1765, with representatives of the Creeks, Chickasaw, Choctaw, and the small nations on the Mississippi, in fulfilment of the promise given at Augusta to summon the Creeks and Choctaw to a congress as soon as the governors of East and West Florida should arrive.³⁴ It was attended also by the royal officials from the province of West Florida and by representatives of the traders. The Indians were restive on account of the laxity in trade regulations, and were increasingly jealous lest they should be deprived of their vested rights by territorial encroachments on the part of English settlers. Stuart's task, therefore, a delicate and dangerous one, was that of guaranteeing to the Indians peace and security, and justice in their commercial relations, and at the same time extending the boundary so as to give the English more room for development. His work was rendered extremely difficult and tedious by many concurring circumstances—such as the season of the year, the scarcity of provisions, party differences among the Indians, their suspicions of English motives, and the divisions and competition for trade and lack of government among the traders and pack-horse men represented at the congress.³⁵ Nevertheless he was relatively successful in surmounting these various obstacles. One of the two most important achievements was the cession of land by the Creeks and Choctaw to satisfy the needs of the English. The Creeks promised to increase this cession at the close of four years should the British show the sincerity of their professions. At the same time the Choctaw ceded a strip of land as far west 'as they had a right to grant'. A second important step in the process of adjustment was the promulgation of a definite body of rules designed to eradicate some of the more obvious evils in

³² Stuart to Gage, 8 August 1766, Colonial Office, 5. 67.

³³ Stuart to Pownall, 24 August 1765, as above.

³⁴ A full account of the congress is found in *Mississippi Provincial Archives*, i. 184 f.

³⁵ Stuart to Governor Bull, 10 August 1765, Colonial Office, 323. 23.

Indian commerce, and to set up some sort of police among the Indians and government among traders and pack-horse men.

According to Stuart's interpretation of the Indian problem the extension of British trade was not the sole end to be sought. It was rather 'the preservation of peace with and introducing good order among the Indians' that was the chief desideratum.³⁶ To accomplish this he proposed a set of regulations³⁷ designed to limit the number of traders and to fix the prices of Indian goods by a tariff, and also to lessen the number of whites among the nations by laying down strict rules relative to the pack-horse men employed by the licensed traders and by forbidding traders to harbour persons wandering among the Indians. A uniform tariff was prescribed, and trade was to be carried on solely within the Indian towns. There were provisions also regulating the sale of rum and forbidding the sale of guns or shot. In addition traders were expected to report all disturbances to the commissaries or deputies who were to be stationed within the respective towns. In general these regulations had the object of further centralizing the control of the Indian trade under the superintendent. They were drawn up in accordance with the spirit of the proclamation of 1763 and of the plan of 1764, and tended, along with those measures, to draw a line between the powers of the different governors and those of the superintendent. This, in Stuart's opinion, was absolutely essential to success in dealing with the Indian problem. The regulations were accepted by the assembled nations,³⁸ although the Creeks were not wholly satisfied with them and still complained of the high tariff of goods in comparison with that of the Cherokee. The Choctaw and Chickasaw, however, returned to their homes well pleased.³⁹ Governor Johnstone and the council in West Florida, and the representatives of the merchants, likewise accepted the arrangement and promised to co-operate in enforcing it.⁴⁰

³⁶ 'Observations on the Plan for the Future Management of Indian Affairs by John Stuart,' 1 December 1764, edited by C. E. Carter in *American Historical Review*, xx. 815 f. Governor Johnstone of West Florida also regarded the regulation of Indian trade in the light of establishing 'peace, Stability and Security in the Cultivation, Propagation and Improvement of our Colonies and the promoting of the happiness of the Indians'. See 'Sentiments of Governor George Johnstone of West Florida on the Plan for the Future Management of Indian Affairs', 2 January 1765, Colonial Office, 323. 20. This was also the view of the council and assembly of West Florida, as set forth in a joint representation to the Board of Trade, 22 November 1766, *ibid.* 5. 84.

³⁷ 'Copy of Regulations of Trade with the Indians,' enclosed in Stuart's letter of 24 August 1765, *ibid.* 323. 23.

³⁸ Stuart to Bull, 10 August 1765, *ibid.* 323. 23; Stuart to Pownall, 24 August 1765, *ibid.* 323. 23.

³⁹ Letter of Johnstone and Stuart, 12 June 1765, *Mississippi Provincial Archives*, i. 184 f.

⁴⁰ Stuart to Bull, 10 August 1765.

Although Stuart was thus successful in his initial efforts in West Florida, he met with failure elsewhere. Governor Grant of East Florida, indeed, agreed to assist in the introduction of the regulations into that province.⁴¹ But the governor and council of Georgia were unwilling so to restrict their traders to the Creek nation, which, previously to 1763, had been under several good regulations, so far as colonial laws could operate; and the same had been true of South Carolina.⁴² Both provinces, after 1763, lowered the prices of goods so much that many merchants were driven into bankruptcy. Virginia, without consulting the superintendent, sent messengers into the Cherokee country to negotiate 'some matters relative to trade to be carried on in that Nation by a Company erected by a Provincial Law with a Fund of £30,000 true money':⁴³ it proposed to sell goods at cost price. That this policy could be pursued for a time by both Virginia and South Carolina with the Indians immediately adjoining them was admitted by Stuart, but he asserted that the Creeks, Chickasaw, Choctaw, and the smaller nations on the Mississippi remote from both Virginia and South Carolina, would be dissatisfied if they had not trade upon the same terms, which would be impossible unless some parliamentary enactment were passed.⁴⁴

Not only was the situation impossible because these colonies would not co-operate with the Indian department, but the problem was further complicated by the conflicting interests of the trade. Two groups were now interested in Indian commerce—the large merchants who had held a monopoly before the trade was thrown open to the public, and the small traders, whose licences, signed by the governor, permitted them to trade where they pleased without oversight by any authority sufficiently powerful to regulate their actions. The former of these were apparently anxious for the British government to abandon the system of free trade. In 1767 the merchants of Augusta, in Georgia, drew up a memorial to Stuart⁴⁵ in which they complained of the great number of traders in the Creek nation in comparison with the number engaged in the traffic before the declaration of the trade policy in 1763. In the earlier period the provincial law of

⁴¹ Stuart to Pownall, 24 August 1765.

⁴² Stuart to Board of Trade, 9 March 1764, Colonial Office, 323. 17; Stuart to Pownall, 24 August 1765, *North Carolina Colonial Records*, vii. 108 f. No mention is made, during the years 1763-8, of traders from North Carolina. Stuart, in his reply to the Cherokee relative to trade regulations at the congress of Augusta in 1763, said, 'In North Carolina there are no Indian Traders at all either to your Nation or any other': *North Carolina Colonial Records*, xi. 196.

⁴³ Stuart to Lords of Trade, 10 July 1766, *North Carolina Colonial Records*, vii. 232 f.

⁴⁴ *Ibid.*; Stuart to Gage, 8 August 1766, Colonial Office, 5. 67; Stuart to Fauquier, 24 November 1766, *North Carolina Colonial Records*, vii. 267 f.

⁴⁵ Colonial Office, 5. 85.

Georgia had carefully regulated the Creek trade. It appears that, to some extent at least, the Creeks were not over-supplied with goods and the prices were fairly stable. But, the merchants asserted, since the trade had been thrown open to all persons the 'new' traders had entered into keen competition with the old, and this pointed inevitably to the ruin of all the trade and to the dissatisfaction of the Indians. The practice, common to the new traders, of selling goods greatly under their value had resulted in changing a hitherto favourable balance of trade into an unfavourable one. Unless this was rectified, it was urged, unless a tariff was imposed which would give the Indian a just value for his purchases and the merchants a moderate profit, the latter would have to withdraw altogether. As, however, he possessed no ultimate authority to compel the execution of his instructions, Stuart now perceived the futility of attempting to bring order into the department unless he was granted such authority, and unless the governors were required to support him.

In the autumn of 1766, owing to the frequency of the reports as to the confusion of the trade in the southern district, especially from Stuart and the Indian commissaries, Lord Shelburne, secretary of state for the southern department, gave the superintendent full power to introduce any measures consistent with the proclamation of 1763, for the purpose of further restraining the traders and remedying the abuses which had resulted from the system of general licensing by the provincial governors.⁴⁶ He also informed Stuart that a plan for the regulation of Indian affairs was under consideration.⁴⁷ At this same time Shelburne⁴⁸ urgently advised the governors of the provinces to adhere closely to the proclamation of 1763 in matters of trade and boundaries.⁴⁹ As a result of the authority thus given him, Stuart urged the governors⁵⁰ to subject the traders

to the observation of such Regulations as shall be proposed by me through the Commissarys residing in such Nations, and order such as already Trade

⁴⁶ Shelburne to Stuart, 13 September 1766, Shelburne MS. liii, in the collection of the Marquess of Lansdowne; 'Journal of the Superintendent's Proceedings,' in Stuart's letter of 3 October 1767, Colonial Office, 323. 24.

⁴⁷ 'Journal of the Superintendent's Proceedings.'

⁴⁸ Stuart's plan for the management of Indian trade was considered by the ministry, but Shelburne stated that the expense involved was not one of the least objections; many of the articles seemed of so dubious a nature that the plan could not be carried out in its entirety: Shelburne to Stuart, 11 December 1766, Shelburne MS. lii.

⁴⁹ Shelburne to Tryon, 13 September 1766, *North Carolina Colonial Records*, vii. 254-5; abstract of dispatches from Lieutenant-Governor Browne, 22 January 1767, Shelburne MS. lii.

⁵⁰ Stuart to Johnstone, 17 December 1766, Canadian Archives, B. 11, p. 147; Stuart to Taylor, 1 April 1767, Shelburne MS. li; abstract of dispatches from Stuart, 28 July 1767, Shelburne MS. li; Stuart to Fauquier, 24 November 1766, *North Carolina Colonial Records*, vii. 267 f.

under License from you strictly to observe them agreeable to His Majesty's Proclamation referred to in the said Letter. I purpose summoning the Traders to meet me in Augusta in March next, in order to Regulate the Trade which I hope your Excellency will by all means in your power facilitate. In the meantime I have directed the commissaries to require the compliance of the Traders with the Regulations agreed upon in West Florida with certain Alterations.⁵¹

These amended regulations⁵² went further than former ones in dealing with the kind of men who were to be employed by licensed traders, the sale of goods at prices other than those specified under the tariff, and the holding of meetings without the consent of the superintendent. All hunting on Indian grounds was forbidden. There was a new provision by which all traders had to show their licences to the commissaries before trading; and the rate at which goods were to be sold was attached to the licences.⁵³ A public notice, moreover, was printed in the *Gazette* (a North Carolina newspaper), that 'after the 3rd of October next, no License shall be considered as valid by Stuart or his Deputies excepting such as shall be granted agreeable to said Proclamation'.⁵⁴

Confident of creating good order through his regulations, now that he had the permission of the ministry to enforce and the promise on the part of the governors of South Carolina and Georgia⁵⁵ to co-operate in the execution of the plan through the cancelling of general licences and restricting traders to certain districts, Stuart held conferences with the traders to the Creeks⁵⁶ at Augusta and with those to the Cherokee at Hard Labor.⁵⁷ The traders to both nations signified their satisfaction upon hearing that the ministry was considering a definite plan for the management of trade, and assisted Stuart in rendering his measures effective. Although the prices among the Cherokee had been

⁵¹ Stuart to Johnstone, 17 December 1766, Canadian Archives, B. 11, p. 147. These regulations were altered after consulting the different governors: abstract of dispatch from Stuart, 28 July 1767, Shelburne MS. li; 'Regulations for the better carrying on the Trade with the Indian Tribes in the Southern District,' in Stuart's letter of 28 July 1767, Colonial Office, 323. 25, 26.

⁵² Stuart sent printed copies of the regulations 'to the different Governors and Commissaries residing in the different Nations, with Orders to the latter to require Observation of them from the Traders': Stuart to Taylor, 1 April 1767, Shelburne MS. li.

⁵³ 'Regulations for the better carrying on the Trade with the Indian Tribes in the Southern District,' as above.

⁵⁴ Abstract of dispatch from Stuart, 28 July 1767, Shelburne MS. li.

⁵⁵ 11 April 1767, *ibid.*

⁵⁶ The congress met on 5 May 1767. See 'Journal of the Superintendent's proceedings' enclosed in Stuart's letter of 3 October 1767, Colonial Office, 323. 24, and abstract of dispatch from Stuart, 24 August 1767, Shelburne MS. li.

⁵⁷ This conference began on 18 May 1767: *ibid.* See abstract of dispatch from Stuart, 28 July 1767, *ibid.*; abstract of dispatch from Gage, 24 August 1767, *ibid.*

so low as to admit of no abatement, it is worth notice that the traders to the Creeks lowered the prices on twenty-three important articles.⁵⁸ The Indians, particularly the Creeks, were extremely well pleased with the tariff agreed upon between them and the traders.⁵⁹ Stuart immediately communicated with Charles Stuart, his deputy to the Choctaw and Chickasaw, ordering him to bring the altered regulations into operation among the traders to those nations. He was also to summon them to a congress for the purpose of establishing a tariff upon the same footing as that of the Creeks.⁶⁰ Lieutenant-Governor Browne, of West Florida, assembled the traders at Pensacola, where he renewed their licences upon their giving proper security, and gave each of them printed copies of the regulations.⁶¹ Stuart desired Governor Fauquier of Virginia to unite with him in directing the traders not to sell goods to the Cherokee for less than the fixed prices and in requiring them, under bond, to conform to the superintendent's regulations.⁶² Fauquier replied, however, that he could not subject the traders from his province to any regulations, as he knew nothing of any proclamation or instruction on that head.⁶³

With the exception of Virginia, then, the governors, as well as the traders, of all the provinces were now attempting to secure better order among the Indians in the southern department. In the late spring of 1768, however, came an order from the Board of Trade entrusting the entire management of the Indian trade to the colonies themselves.⁶⁴ It was alleged, in support of this move, that no general policy could be applicable to all the different nations; that the confining of trade to fixed places seemed a doubtful policy; and that the expense connected with the extensive operation of the plan proved too great.⁶⁵ The news of the adoption of this policy was transmitted within a month to the governors and superintendents. Stuart immediately notified

⁵⁸ In almost every case the number of pounds of leather paid for the English commodity was two pounds less than formerly: 'Journal of Superintendent's Proceedings,' as above.

⁵⁹ Stuart to Haldimand, 25 June 1767, Canadian Archives, B. 11.

⁶⁰ *Ibid.*; also 16 January 1767, *ibid.*

⁶¹ Abstract of dispatch from Lieutenant-Governor Browne, 6 August 1767, Shelburne MS. li.

⁶² Stuart to Fauquier, 24 November 1766, *North Carolina Colonial Records*, vii. 267 f.

⁶³ Abstract of dispatch from Stuart, 28 July 1767, Shelburne MS. li.

⁶⁴ 'Representation of the Lords of Trade, 7 March 1768,' in *New York Colonial Documents*, viii. 24; Hillsborough to the governors in America, 15 April 1768, *ibid.*, vii. 55-6; Hillsborough to Tryon, 15 April 1768, *North Carolina Colonial Records*, vii. 707 f.; Hillsborough to Haldimand, 15 April 1768, Canadian Archives, B. 13.

⁶⁵ The opinion in England seemed to be, as Shelburne wrote to Governor Johnstone, that greater inconveniences arose from the misbehaviour of Indian traders in the southern department than in the northern: Shelburne to Johnstone, 11 December 1766, Shelburne MS. lviii. See also Hillsborough's dispatches cited in the preceding note.

all the commissaries and other officers employed by him in the management of the trade that their salaries would cease on 1 December 1768.⁶⁶ General confusion ensued. The powers of the six different governors and the unlimited right of all British subjects to trade everywhere, as authorized by the proclamation of 1763, rendered it impossible for any province to frame proper regulations with success. Such laws could operate only within the jurisdiction of the province enacting them. And as Stuart pointed out, the

best Laws will prove ineffectual without proper Persons to carry these into Execution; Commissaries by every and all the Provinces would create horrid Confusion and the Commissaries from any Province can only Govern the Traders from the said Province. These difficulties have hitherto prevented any Law being passed by any Assembly in the Southern Indian Department.⁶⁷

The Indians, moreover, complained that their countries were again filled with vagabonds and traders who had returned to their former abuses and disturbances.⁶⁸

Co-existent with the trade problem, and intimately associated with it, was the equally troublesome and delicate question of the adjustment of the Indian boundary. At every congress with the Indians these two principal causes of discontent obtruded themselves, the latter usually occupying as much of the attention of the delegates as the former. In order to illustrate the seriousness of the boundary problem and the manner in which it was solved, it will be necessary to pass in review, briefly, the various steps in the determination of the lines of demarcation. Stuart deemed it expedient to negotiate a boundary line behind each province in order to guarantee peace within the district.⁶⁹ Although he did not possess full power to negotiate and fix the boundary line, he succeeded, nevertheless, in effecting an amicable settlement between the southern colonies and the Indian tribes, and in many cases he had surveyed the line by 1768.

The congress of Augusta, in 1763, had brought about a mutual understanding as to the boundary. The Chickasaw, in the north-western corner of the district, were not at all, and the Choctaw not specially, concerned with English encroachments from the south or east. The Creeks, on the other hand, were in great fear of an invasion of their country by the English from both

⁶⁶ Gage to Hillsborough, 9 October 1768, Colonial Office, 5. 86; Stuart to Haldimand, 24 April 1769, Canadian Archives, B. 4.

⁶⁷ Stuart to Haldimand, 24 April 1769, as above; Stuart to Durnford, 4 January 1770, Colonial Office, 5. 87.

⁶⁸ Stuart to Haldimand, 24 April 1769, as above; Stuart to Durnford, 4 January 1770, Colonial Office, 5. 87.

⁶⁹ Stuart to Pownall, 24 August 1765, Shelburne MS. lx.

directions. In like manner the Cherokee complained of the rapid extension westward of the Virginia frontier. The Catawba, a small nation between the Creeks and Cherokee, demanded a reservation, which they received at Augusta. The Creeks made a formal cession to Georgia, and left the congress with the understanding that in South Carolina settlements would be made no further west than those already at Long Canes, and that the representatives of the Creek nation would negotiate a boundary behind the newly acquired territory,⁷⁰ later called East Florida and West Florida, as soon as the governors should arrive. In Virginia there was to be no settlement on Cherokee territory west of New River. According to Stuart's explanation, however, there had never been any encroachments on Indian territory except on the part of a few adventurous persons acting without authority from the government.⁷¹ The boundary of West Florida was definitely settled⁷² at the congresses of Mobile and Pensacola in 1765. In pursuance of an agreement made at Pensacola, the Lower Creeks met the governor of East Florida at Picolata, about twenty miles from St. Augustine, on 15 November 1765, and three days later signed a treaty granting 'a very extensive Territory to His Majesty, Which in all probability would be sufficient for the Settlements of this Province for many Years'.⁷³ The line, although definitely described, was not surveyed behind these two

⁷⁰ They warned the English, nevertheless, against attempting any settlements in the meantime, west of St. John's River in the peninsula of Florida, or north of a line ascertained by the ebb and flow of the tide in the rivers emptying into the Gulf.

⁷¹ 'Journal of the Proceedings of the Southern Congress at Augusta, 1 October-21 November 1763,' *North Carolina Colonial Records*, xi. 156 f.; cf. p. 197.

⁷² The boundary behind West Florida was a definite, continuous line. There has been some discussion as to a break in its extension westward from Appalachiecola River to Mobile Bay: see Farrand, 'The Indian Boundary Line', in *American Historical Review*, x. 782 f. Hamilton states, *Colonial Mobile*, p. 246, that 'the treaty [June 1765] seems to indicate that the line was on the eastern side of Pensacola Bay to be defined by high-water mark, and reference is made to what was settled at Augusta; but this must have been settled outside the formal treaty at Augusta'. As we have seen (above, p. 38, n. 6) it was understood at Augusta in 1763 that no settlement should be made north of the flowing of the tide. The treaty of Pensacola was signed by both Upper and Lower Creeks. The Upper Creeks granted the land round the eastern coast of Pensacola Bay where their claims ceased at the path leading to the Lower Creek nation. The eastern portion of the line bounding the cession made by the Lower Creeks was 'to be determined by the flowing of the Sea in the Bays as was settled at Augusta'. It extended from the trading path to the Appalachiecola River where it joined the line of East Florida, which, in the west, was also marked by the flowing of the tide. That Stuart understood the line thus is shown by the way in which he set out his information on the map accompanying the 'Report & Representation of the Board of Trade, dated 7 March 1768', *New York Colonial Documents*, viii. 31, and on his own map sent to Dartmouth, secretary of state for the colonies, in 1772. See also his dispatch to Durnford, 4 January 1770, Colonial Office, 5. 87.

⁷³ Letter from Grant and Stuart, 9 December 1765, *Mississippi Provincial Archives*, i. 174 f. See also 'Representation of the Lords of Trade, 7 March 1768', *New York Colonial Documents*, viii. 32.

provinces because of the conflict between the Choctaw and the Creeks.⁷⁴

There remained now to be adjusted the boundary between the Creeks and Georgia. Although the line had been agreed upon at Augusta, it had never been surveyed; and at the congress of Picolata the Creeks modified the cession. This grant remained permanent.⁷⁵ In June 1767 the survey was extended as far as the Ogeechee River, where work was discontinued for more than a year.⁷⁶ At a congress summoned by the governors at Savannah, 3 September 1768, the grievances urged by the Indians were redressed and provisions were made for the continuance of the survey. Within a year, therefore, the boundary was completed to the satisfaction of the Indians and the British.⁷⁷

The settlement of the boundary line with the Cherokee proved to be a more complex problem, and was accomplished only as the result of patient negotiations.⁷⁸ In the latter part of 1764 the Cherokee complained of a violation of the understanding they had had when they had left the congress of Augusta.⁷⁹ Lieutenant-Governor Bull, of South Carolina, proposed a line in

⁷⁴ Johnstone and Stuart to Lords of Trade, 12 June 1765, *Mississippi Provincial Archives*, i. 212-13.

⁷⁵ For the text of the treaty see *New York Colonial Documents*, viii. 32. Captain Alleck, of the Creeks, ratified this new line with the governor of Georgia at Savannah, 10 January 1766: Jones, *History of Georgia*, ii. 81 f.

⁷⁶ On 24 May 1767 Stuart met the traders and about a hundred and eighty men of the Creek nation at Augusta. At this meeting, provision was made for the return of Creek deputies before the end of September for the purpose of marking out a definite boundary line behind East Florida and Georgia, which had been determined upon at Picolata. The proposed meeting, however, was deferred because a number of the inhabitants of East Florida were killed: Stuart to Haldimand, 7 and 25 June 1767, *Canadian Archives*.

⁷⁷ Stuart to Durnford, 4 January 1770, *Colonial Office*, 5. 87; Jones, *History of Georgia*, ii. 81 f.

⁷⁸ The necessity of a settlement of the boundary lines between the Creeks and Cherokee and the English was urgent, as these nations were very jealous of their lands and were suspicious of the English because of the impression made by the insinuations of the French. The killing of several Cherokees in the back settlements of Virginia was known to all the nations and was thought an example of British policy. The Creeks offered their neighbours several hundred men, if they wished to take revenge. Therefore if this, one of the causes of complaint—an unsettled boundary—were removed, a war with the Cherokee might be averted: Stuart to Tryon, 28 May 1766, *North Carolina Colonial Records*, vii. 213-14.

⁷⁹ At the congress of Augusta in 1763, the last assembly in which the Cherokee had been represented, they declared themselves a tribe of hunters and requested that there should be no settlements further to the west than those already made. However, in a treaty previously made with Lieutenant-Governor Bull, settlements were permitted west of Long Canes. The Cherokee expected that no further encroachments would be made, but this was not acceded to. South Carolina granted large tracts beyond what was settled at that time; North Carolina made grants behind the mountains which included the lower Cherokee towns. These acts confirmed the impression left by the French of the English determination to secure extensive land grants: Stuart to Pownall, 24 August 1765, *Shelburne MS*. ix; Stuart to Tryon, 26 May, 1766, *North Carolina Colonial Records*, vii. 213-14.

1765, which, however, the Indians only approved upon Stuart's advice and after a series of negotiations which were begun on 19 October 1765.⁸⁰ The boundary was surveyed in April 1766, by Alexander Cameron, Stuart's deputy, and was ratified to the satisfaction of the Indians on 10 May.⁸¹ They also requested the settlement of the boundary behind North Carolina and Virginia, concerning which Stuart wrote to the governors of those two provinces.⁸² Stuart received an immediate reply from Governor Tryon of North Carolina,⁸³ declaring that the boundary between the Cherokee and that colony was to have been completed in the spring of 1766, but that negotiations had been retarded.⁸⁴ Accordingly, in the latter part of April 1767, Stuart met the traders and the principal chiefs of the Cherokee nation at Hard Labor, on the frontier of South Carolina.⁸⁵ Arrangements were made for the settlement of trade, and at the conclusion of the congress a number of principal men set out with Cameron, on 21 May, for the frontier of North Carolina, where they were to meet the commissioners from that colony to 'run out the Boundary Line behind North Carolina', and afterwards that behind Virginia.⁸⁶ The line agreed upon at this time⁸⁷ was surveyed before the end of July.⁸⁸ By the governor's proclamation, no English were to settle west of the line thus established, and those already residing beyond it were to remove immediately to the east.⁸⁹ In 1766, when the Cherokee desired a settlement of the boundary behind Virginia, Governor Fauquier concurred in Stuart's proposal for the undertaking.⁹⁰ He made no advances, however, and the Cherokee grew uneasy and repeated their demands for a definite agreement.⁹¹ Eventually, in a later communication, Fauquier

⁸⁰ Stuart to Pownall, 8 August 1766, Colonial Office, 5. 67; see *New York Colonial Documents*, viii. 33.

⁸¹ Stuart to Lords of Trade, 10 July 1766, Colonial Office, 5. 67; Stuart to Pownall, 8 August 1766, *ibid.*; Stuart to Gage, 30 August 1766, Shelburne MS. li; Congress of the Cherokee at Hard Labor, 14 October 1768, *North Carolina Colonial Records*, vii. 851 f.

⁸² Stuart to Lords of Trade, 10 July 1766.

⁸³ *Ibid.*

⁸⁴ Abstract of dispatches from Stuart, 1 April 1767, Shelburne MS. li. Several Virginians had been killed by men of that nation.

⁸⁵ Stuart to Haldimand, 7 and 25 June 1767, Canadian Archives.

⁸⁶ Stuart to Gage, 7 June 1767, *ibid.*

⁸⁷ Agreement between Governor Tryon and the Indians in regard to the western boundary, *North Carolina Colonial Records*, vii. 853; Congress of the Cherokee at Hard Labor, 14 October 1768, *ibid.*

⁸⁸ Stuart to Haldimand, 22 July 1767, Canadian Archives; abstract of a dispatch from Stuart, 28 July 1767, Shelburne MS. li.

⁸⁹ Proclamation in Council Journal, 11 July 1767, *North Carolina Colonial Records*, vii. 501.

⁹⁰ Enclosure in abstract of dispatch from Stuart, 11 April 1767, Shelburne MS. li.

⁹¹ Stuart to Lords of Trade, 2 December 1766, *North Carolina Colonial Records*, vii. 279.

declared himself unable to mark any boundary lines between Virginia and the Indians without the express orders of the government at home.⁹²

In accordance with the proposed plan for Indian control, the superintendents in both departments had entered into negotiations in regard to the boundary line,⁹³ and in the southern department Stuart, although not formally authorized to do so, had the line actually marked out behind North and South Carolina. These negotiations were reported to Lord Shelburne by the end of 1767,⁹⁴ and he recommended that the treaties thus made with the Indians should be ratified in order to bring about peace and quiet, as had been done in North and South Carolina.⁹⁵ In 1768, in connexion with the new policy of trade, Lord Shelburne communicated to the superintendents the king's desire that 'the Boundary Line between the Indians and the Settlements of his Majesty's Subjects (everywhere negotiated upon and in many parts settled and ascertained) shall be finally ratified and confirmed'.⁹⁶ Accordingly, on 14 October 1768, Stuart again met the Cherokee Indians at Hard Labor, ratified the treaties of North and South Carolina, as before described, and established the line behind Virginia.⁹⁷ On 12 November 1768 the Lower Creeks met the superintendent at St. Augustine to ratify the boundary between their nation and Georgia, East Florida, and West Florida.⁹⁸ The line of East and West Florida was clearly ascertained, and all that remained was the completion of the survey. The king had given his consent to this, but owing to the war between the Creeks and Choctaw it had been postponed to a more favourable time.⁹⁹ The boundary line at the end of the year 1768 was therefore continuous from the Ohio River behind

⁹² Abstract of dispatch from Stuart to Shelburne, 28 July 1767, Shelburne MS. li.

⁹³ Sir William Johnson, superintendent of the northern district, broached the subject of a boundary line to the Indians in 1765, but took no steps towards its execution other than to propose laying it before the king. On 5 November 1768 a line was decided upon at Fort Stanwix between the Six Nations and their confederates, and the English. There was a conflict, however, with reference to the location of this line south of the Ohio River, where it did not conform to the line agreed upon by Stuart and the Cherokee: Lords of Trade to the king, 25 April 1769, *New York Colonial Documents*, viii. 158 f. See Farrand, 'The Indian Boundary Line', *American Historical Review*, x. 742 f.

⁹⁴ Lords of Trade to Shelburne, 23 December 1767, *New York Colonial Documents*, vii. 1004-5.

⁹⁵ 'Representation of the Lords of Trade on the State of Indian Affairs, 17 March 1768,' *New York Colonial Documents*, viii. 19 f.

⁹⁶ Hillsborough to the governors in America, 15 April 1768, *New York Colonial Documents*, viii. 55-6.

⁹⁷ Congress of the Cherokee at Hard Labor, 14 October 1768, *North Carolina Colonial Records*, vii. 851 f.; Lords of Trade to the king, 25 April 1769, *New York Colonial Documents*, viii. 151 f.

⁹⁸ *Ibid.*, p. 158 f.

⁹⁹ Stuart to Durnford, 4 January 1770, Colonial Office, 5. 87.

the eastern and southern colonies as far west as the small tribes of the Mississippi River.

Thus the projection of the final solution of that perplexing problem of the colonial régime—the adjustment of Indian relations—a problem which was more forcibly presented at this time by reason of the extension of British sovereignty over the tracts beyond the Alleghanies, was only partially successful. The problem itself, and the shape which its solution finally assumed, is not unlike that which prevailed in the earlier colonial period. The regulation of commercial relations, the first phase of the twofold problem which we have described, went back to colonial management, after much shifting and vacillating on the part of the ministry and much misunderstanding between home and provincial authorities. The government was most interested in the reorganization of the American possessions, and the subject of the regulation of Indian affairs was, unfortunately, inextricably bound up with the larger problem, so that it was not finally determined on its merits. The transfer of responsibility for the management and support of the trade back to the colonies was merely one device for relieving the British government of expense. The superintendent of Indian affairs, however, retained general political oversight, including the supervision of territorial adjustments with the Indians. In the southern department it was due to the efforts of Superintendent John Stuart, with the co-operation of the provincial governors, that the line of demarcation between the British and the Indians was fixed, as it was thought, once for all. The handling of this second phase of the Indian problem appears, then, to have been relatively successful. In view of the tremendous pressure which English settlers were exerting all along the line, it is exceedingly unlikely that the boundary of 1768-9, with the few subsequent modifications, would have retained any degree of permanency, even had the revolt of the colonies not intervened. At best it would probably soon have had to yield to various modifications in order to satisfy the hunger of land speculators and settlers. Nevertheless the fixing of the line at this time is a fact of great importance. Although the southern Indians had never assumed so threatening an attitude as those in the region towards the Ohio and the northern lakes, they were restless and suspicious of British designs. But they appear to have been generally satisfied with the promises of the British that there would be no encroachments beyond the line settled in the manner we have described.

CLARENCE E. CARTER.

Notes and Documents

The Earliest Use of the Easter Cycle of Dionysius

THE question which I propose to examine is the earliest date at which the Easter cycle of Dionysius Exiguus can be proved to have been in use. This cycle, it is well known, was a continuation of that attributed to Cyril of Alexandria, and was drawn up in A. D. 525, for a period of five lunar cycles or ninety-five years. But whereas Cyril accompanied his Easter tables with a consecutive series of years beginning with the Emperor Diocletian, Dionysius, as he says, preferred to date his years not from the rule of a persecutor of the Christians but with the Incarnation of our Lord. There is no hint that he intended to establish an era for ordinary historical purposes; he only gave the years for reference, in order to identify the dates assigned to Easter.

The chief competitor of the system which Dionysius introduced into the West was that constructed in the fifth century by Victorius of Aquitaine, which held its ground in Gaul for nearly three hundred years. Both were based on the lunar cycle of nineteen years, but they differed in four points: the earliest permissible date of the vernal new moon, the earliest day after this on which Easter could be kept, the latest day on which Easter could fall, and the place in each cycle in which the lunar year should be shortened by one day (the *saltus lunae*). For my present inquiry it is only necessary to speak of the second of these points of difference. If we read that Easter might be observed on the day after the full moon, on the fifteenth moon as it was called, this was understood to mean the oriental reckoning adopted by Dionysius; if on the other hand we are told that Easter must not be kept until the sixteenth moon, then the cycle is definitely not that of Dionysius.¹ An older practice of permitting Easter Sunday to fall as early as the fourteenth moon—the discussion of which played a great part in contro-

¹ Though Victorius in his letter (*Chronica minora*, ed. Mommsen, i. 679 f., 1892) admits both the alternatives, his rule seems to have been interpreted as excluding *luna xv*, and thus maintaining the definition which had previously prevailed at Rome. Cf. L. Ideler, *Handbuch der mathem. und techn. Chronologie*, ii. (1826) 283; F. K. Ginzel, *Handbuch der mathem. und techn. Chronologie*, iii. (1914) 245.

versy with the Celtic churches of the British Isles—does not concern us. We have only to do with the question as between *luna quintadecima* and *luna sextadecima*.

Now, although Dionysius composed his cycle in 525, there is no trace of its having been immediately adopted by any one. Cassiodorus, indeed, who was personally acquainted with him, knew of the cycle and recommended its study ;² but there is no sign that he himself made use of it. Nor do any Roman inscriptions of the sixth century supply evidence of its employment.³ In the discussion concerning the right date of Easter in 550, Bishop Victor of Capua opposed the system of Victorius ; but Dr. Bruno Krusch, a most accomplished computist, has shown that he based his arguments not on Dionysius but directly upon his Greek authorities, and he has also made it probable that the cycle inscribed on the great monument in the sacristy of the cathedral at Ravenna is in like manner derived immediately from the East.⁴ It has indeed been supposed that a table of Easter days written in the last quarter of the sixth century gives evidence not only of the use of the cycle of Dionysius but also of its employment for historical purposes, for the insertion of annalistic notices. This is a mistake. The table contains the cycle of Victorius, and the years are reckoned, as Victorius reckoned them, not from the Incarnation but from the Passion. It is now distinguished as the *Paschale Campanum*, because it was written in the region of Naples.⁵ While, however, Dr. Krusch is persuaded that there is no trace of the use of the Dionysian reckoning until the very end of the sixth century, he contends that under Gregory the Great it was the accepted system at Rome. It is true, he says, that this cannot be discovered from the Roman sources, but it follows without doubt from the history of the conversion of Britain by Augustine.⁶ This conclusion appears to me to be unproved.

Before turning to the English evidence it should be noticed that St. Columbanus in a letter to Pope Gregory, written between 595 and 600, looks on the Easter controversy as one between the Celtic practice and the rule of Victorius ; of Dionysius he says not a word, and he ‘ can hardly believe ’ that Gregory

² ‘ Deinde Pinacem Dionysii discite breviter comprehensum, ut quod auribus in supradicto libro [sc. Marcellini] percipitis pene oculis intuentibus videre possitis ’ : De Institutione Divinarum Litterarum, xv, in Migne’s *Patrol. Lat.* lxx. 1140.

³ G. B. de Rossi, *Inscr. Christ. Urbis Romae*, i (1857–61), proleg., p. xevi.

⁴ *Die Einführung des griechischen Paschalritus im Abendlande*, in *Neues Archiv der Gesellschaft für ältere Deutsche Geschichtskunde*, ix. (1884) 111–14. For the inscription formerly at Périgueux (Gruter, *Inscr. Antiq.*, p. 1161, no. 5, 1707) see *ibid.*, pp. 129 ff.

⁵ It is printed by Mommsen, *Chronica minora*, i. 744 f. ; see the description of the manuscript on pp. 371 f.

⁶ *Ubi supra*, p. 114.

approves the cycle of Victorius.⁷ For the facts of the mission of St. Augustine and its results we are almost entirely dependent upon Bede ; and it is remarkable that in all the earlier part of his History, while he is precise in defining the limits within which the Celts allowed the observance of Easter, he never, except on one single occasion, states what the catholic rule was. This may be of course because it was obvious and well known, and there was no reason to explain it. But there may be another reason, namely that the Roman church still adhered to the reckoning of Victorius. The following considerations lead me to think that this was the truth. Honorius I, who was pope from 625 to 638, wrote to the Irish warning them not to persist in a practice which cut them off from the rest of Christendom.⁸ The sequel is told in a long letter by Cumman, an Irishman who had abandoned the Celtic rule about Easter.⁹ From this we learn that the cycle introduced into Ireland in consequence of the pope's advice was a cycle of 532 years, and this can only be that of Victorius.¹⁰ In the following year, probably in 638,¹¹ a synod was held near Tullamore, at which the southern Irish yielded to the pope's directions. But some resisted, and it was agreed to send a mission to Rome to obtain a definitive ruling.¹² The answer is recorded by Bede in the one instance in which he defines the Roman practice. Pope John IV, he says, sent a letter full of authority and learning to correct the Irish error, *evidenter astruens quia dominicum paschae diem a xv^a luna usque ad xvi^{am} . . . oportet inquiri*. This looks like Bede's own explanation of what he presumed the letter to direct : for when he sets out the text of the letter, which was written in the names of the chief officers of the Roman church, the pope having not yet been consecrated, he gives only the beginning as far as the statement of the Irish practice, and then summarizes, *exposita autem ratione paschalis observantiae* ; after which he gives the rest of the letter, dealing with the Pelagian heresy, in full.¹³ There are three possibilities : Bede may have had an incomplete copy of the letter before him ; or he may have omitted the definition of the correct limits of Easter, because he had already mentioned that the letter dealt with it ; or he may have found that it disagreed with what he had laid down, and in fact prescribed not *luna xv* but *luna xvi*. This last suggestion is confirmed by what Cumman

⁷ Epist. i, in *Epist. Merovingici Aevi*, i. (1892) 156-8 'Vix credere possum dum illum [sc. Galliae errorem] constat a te non fuisse emendatum, a te esse probatum', p. 157.

⁸ Bede, *Hist. Eccl.* ii. 19.

⁹ Printed in Ussher's *Veterum Epistolarum Hibernicarum Sylloge* (1632), pp. 25-35.

¹⁰ Cf. Krusch, *ubi supra*, pp. 150 f.

¹¹ See *ibid.*, p. 149.

¹² Cumman, *ubi supra*, p. 34.

¹³ *Hist. Eccl.* ii. 19.

says ; for besides referring, as we have seen, to the cycle of Victorius, he accepts *luna xvi* as the earliest day of the *resurrectio*.¹⁴

Dr. Krusch, believing that the Dionysian reckoning was at that time adopted at Rome, thinks that the Irish emissaries may have picked up a Victorian calculus in Gaul on their way home.¹⁵ But it is hardly conceivable that people should go to Rome in order to obtain a decision on a contested point, and then bring back to Ireland a calculus which differed from it. The natural inference from Cummian's letter is that Rome still adhered to the system of Victorius. It should be noticed that though the difference between this and the oriental system assumed importance when it was attempted to bring the date of Easter into harmony with the historical events recorded in the Gospels, yet as a matter of fact it did not often lead to actual disagreement as to the day on which Easter should be observed : in the seventh century the only absolute discrepancy occurred in 672 ; but it is true that in 645, 665, 685, and 689, and possibly in four other years, alternative dates were also admitted. Probably, therefore, the two systems were not generally distinguished.¹⁶

It is at the synod of Whitby in 664 that we first find the Dionysian calculus formally brought forward by Wilfrid. His biographer Eddius,¹⁷ or Stephen, says that at that council

De paschali ratione conquirebant, quid esset rectissimum, utrum more Bryttonum et Scottorum omnisque aquilonalis partis a xiiii luna, dominica die veniente, usque ad xxii [*sic*] pascha agendum, an melius sit ratione sedis apostolicae a xv luna¹⁸ usque in xxi paschalem dominicam celebrandum.

He states the arguments shortly and gives the Northumbrian king's decision. Bede has a much fuller narrative of the proceedings and agrees on the essential point.¹⁹ The details do not concern us ; all that we need to know is that the Dionysian

¹⁴ *Ubi supra*, p. 27 ; cf. Krusch, pp. 150 f.

¹⁵ p. 152.

¹⁶ It has been generally held that a continuation of the Dionysian cycle is found in the *Etymologiae* of Isidore of Seville, vi, 17 ; but Dr. Krusch has proved (pp. 117 ff.) that this is in fact a continuation of the Alexandrian table of Cyril, and is calculated for the ninety-five years from 532, not from 627 ; only the Easters (but not the *lunae*) have been altered in the first nineteen years. Mr. W. M. Lindsay in his edition of the *Etymologiae* (1911) gives no various readings for the Paschal table, but simply reprints Arevalo's text.

¹⁷ *Vita Wilfridi*, x, in J. Raine's *Historians of the Church of York*, i. (1879) 14 ; also in *Script. Rerum Merovingicarum*, vi. (1913) 203, ed. W. Levison.

¹⁸ The Fell MS. 3 (formerly 1) in the Bodleian Library, by an obvious homoeoteuton, omits the words from the first *usque to xv luna*. It may be well to state that there is absolutely no doubt that this manuscript is in fact the Salisbury manuscript, as to the identification of which the editors express different opinions : see Raine, *pref.*, p. xxxviii ; Levison, pp. 184 f. Cf. W. D. Macray, *Annals of the Bodleian Library* (2nd ed., 1890), p. 155.

¹⁹ *Hist. Eccl.* iii. 25.

computation was definitely advocated and accepted at Whitby in 664.

It may be observed that the name of Dionysius is not mentioned; it was the 'Roman' or 'catholic' use of which Wilfrid was the champion.²⁰ By this time indeed the actual table of Dionysius had long expired, for his ninety-five years ran from 532 to 626. Ten years before it ended a continuation was drawn up for the years 627 to 721. This was the work of a writer who is called in the manuscripts *Felix abbas Cyrillitanus*, *Chyllitanus*, or *Ghyllitanus*.²¹ These variants show that the scribes from whom these texts proceed had difficulty in reading the name, and modern scholars have been content to repeat it without explanation. But it can hardly be doubted the word which the scribe had in his exemplar was *Scyllitanus*, which is found in a letter of St. Gregory the Great as the adjective from Squillace.²² No other name of a monastery at all resembling that given in the manuscripts has been discovered; and no place more probable than this for the construction of this cycle can be suggested.

We have seen that Cassiodorus had recommended the study of the cycle of Dionysius to his monks in the *Monasterium Vivariense* at Squillace. We have found no trace of its use until 664, when that cycle had been continued by an abbot, as I suggest, of the same house. The monastery appears to have been destroyed or abandoned not many years after 634, and its books were dispersed throughout Italy. I venture to claim the manuscript containing this cycle as one of the books which had belonged to the library of Cassiodorus as increased by his successors, of which the recovery of the scattered reliques is one of the most striking achievements of recent palaeographical study. Whether it was brought back to England by Benedict Biscop on his return from his first Italian visit, which began in 653, or whether Wilfrid learned its contents during the time that he spent at Rome in the study of catholic observances, must be left undetermined. I should like to add that I had arrived at this conclusion as to the source from which the manuscript was derived before I hit upon the identification of Felix of Squillace.

²⁰ When Colman includes Dionysius in a confused list of authorities, genuine and spurious, for the Easter cycle, he no doubt refers to Dionysius of Alexandria, whose cycle is mentioned by Eusebius, *Hist. Eccl.* vii. 20.

²¹ The preface and prologue to this table are printed from a Bobbio manuscript, cod. H. 150 (formerly S. 70) in the Ambrosian Library at Milan, by Muratori, *Anecdota*, iii. (1713) 168 f., and by Krusch, *Der 84jährige Ostercyclus und seine Quellen* (1880), pp. 207 f. In a manuscript of St. Remigius at Rheims, no. 298, the name is given as *Gillitanus*: see J. G. Janus, *Hist. Cycli Dionys.* (1718), p. 51.

²² Reg. viii. 32, ed. L. M. Hartmann, 1893. Various readings are *Scyllitanus* and *Sillitanus*. On the forms assumed by Scylaceum (Σκυλλήτιον) or Scolacium see Mommsen's note in *Corp. Inscr. Lat.* x. i. (1883) 12.

So soon as the cycle of Dionysius gained currency, it was not unnatural that the series of years reckoned from the era of the Incarnation which accompanied it should be made use of for the indication of historical dates. There is indeed evidence that this era was known in Spain as early as 672; ²³ but it is not until the production of the Church History of Bede that we find an historical work in which it is inserted. It has commonly been held that it was brought into use by Bede's treatise *de Temporum Ratione*, which was written in 725, and consequently not a few Anglo-Saxon charters which contain the date from the Incarnation have been condemned as spurious or corrupt. There seems, however, to be no reason to suppose that the adoption of this era was originated by the treatise of Bede. It is much more likely that it was derived from the Easter tables. We have seen that late in the sixth century the cycle of Victorius was used, in a continuation, at Naples for the insertion of annalistic notices; ²⁴ and in like manner the era of the Incarnation may have been adopted at any time after the middle of the seventh century, that is to say, at any time after the Dionysian cycle in its extended form became diffused. It was Easter tables that formed the basis of the numerous Frankish Annals, the model of which certainly came from England; ²⁵ and the employment of them for this purpose was maintained until the tenth and eleventh centuries and even later. ²⁶ REGINALD L. POOLE.

The Hundred-Pennies

A CUSTOM of paying to the king 'hundredespeni', pennies from the hundred, the local division of the shire or county and the seat of local administration, survived in England as late as the end of the thirteenth century. This payment, lost in tradition, has remained obscure and inadequately explained, though its continued existence can be traced back from the thirteenth century to the time of Edward the Confessor. According to one theory these pennies were a recompense to the reeve of the hundred for his labour in the king's interests there, just as the sheriff drew an aid, 'auxilium vicecomitis', from the shire

²³ 'Ab incarnatione domini nostri Iesu Christi usque in praesentem primum gloriosi principis Bambani, qui est era 740, sunt anni 672': Krusch, p. 121. The manuscript, Madrid T. 10, is a modern copy, and the Spanish era is wrongly written 740 instead of 710. Cf. *Pertz's Archiv*, viii. 121. ²⁴ Above, p. 58.

²⁵ The earliest example known to be preserved is the beginning of the Annals of Fulda, which have been proved to have been written between 741 and 759: see Sickel, in *Forschungen zur Deutschen Geschichte*, iv. (1864) 457. The era is mentioned in a Frankish manual of 737: see Krusch, in *Mélanges Chatelain* (1910), pp. 232-42.

²⁶ I have to thank my friend Dr. J. K. Fotheringham for much expert advice and criticism, but he must not be taken to be responsible for my statements of facts or for the conclusions at which I have arrived in this paper.

to requite him.¹ This deduction seems to rest upon the fact that the hundred-pennies commonly passed through the hands of the reeve or the hundredor. But there is no evidence that they were not then paid to the king. Another theory holds that they were the sheriff's aid itself, but this again has no apparent proof.² The hundred-pennies have resisted explanation because the references to them are too brief to be illustrative. But besides this, sufficient attention has not, I think, been paid to the traces of them in Domesday Book. This survey records the customs and dues to which William the Conqueror had a right, whether they arose from Saxon custom or were introduced by the Normans. Now since the hundred-pennies existed just before the Conquest, and since they continue to be mentioned in royal charters of the twelfth and thirteenth centuries, we must presume that they were collected in 1085-6, when the survey was made. In the present paper, therefore, I purpose giving briefly the results of an investigation of the Domesday evidence after first indicating what we know of the hundred-pennies from other sources.

References to the hundred-pennies in the Hundred Rolls and Quo Warranto Proceedings, though brief, are frequent and typical of those found elsewhere :

The King . . . claims 10s. annual render from Thomas de Helgetona for hundredscot. . . . And William de Gyselham says that King Henry, father of the present king, was in seisin of the aforesaid render through his bailiff in the hundred of Lodnes until the time when the aforesaid Thomas discontinued the aforesaid render twenty-four years ago. . . . And Thomas comes and cannot show why the king should not have the aforesaid render. Therefore it is decided that the king should have seisin of the aforesaid render and arrears, namely £12.³

The king claims from the Abbot of Bekhalwyne [Bec-Hellouin] 2s. annually rendered the hundred of Happinges from the manor of Lesyng-ham. . . . The abbot comes and says that his lord King Henry, grandfather of the present king, granted his house above-mentioned and the monks there serving God that they be free of hundred-penny.⁴

Commonly it is merely stated that a certain person withholds the due :

Philip Burnel retains the scot which he should give the hundred from that land.⁵

¹ Miss Neilson, *Customary Rents*, pp. 129 ff.

² Cf. *Rotuli Hundredorum*, ii. 629 'Dat annuatim xii denarios et auxilium vice-comitis et hundredi quos abbas de Rameseia percipere consuevit per regalitatem quam habet de rege'; cf. ii. 114 'II hidae gildabiles et reddunt de auxilio vice-comitis ii solidos et de francoplegio ii solidos et de auxilio hundredi et de av' viii denarios'. In both cases a distinction is made between the sheriff's aid and the hundred-aid which I take to be the hundred-pennies.

³ *Placita de Quo Warranto*, p. 481.

⁴ *Ibid.*, p. 493.

⁵ *Rot. Hundr.* i. 470.

Geoffrey Wace retains 6½*d.* from the hundred-scot.⁶

Richard de Winterton has withdrawn 3*d.* from the hundred-scot for three years.⁷

Occasionally it is the leet which makes the payment :

Thomas de Heleweton holds a leet in Heleweton which the king was accustomed to have ; and that leet used to render yearly to the king 10*s.* for hundred-scot.⁸

The lord, William de Montecaniso, takes William de Wallingford of Thurtune and his tenants to his leet, who should be in the leet of the king, by which 16*d.* is withdrawn from the hundred-scot yearly.⁹

From such notices we infer that the hundred-pennies were a public due made to the king from certain lands in the hundred ; that they were a tax on the land, and might be granted by the king to other lords or might be usurped by them. Assuming that the 'auxilium hundredi' in Staffordshire represents the hundred-pennies, it seems that they were levied at a regular rate on the hide :

two gelding hides render for the sheriff's aid	. . .	2 <i>s.</i>
„ frank-pledge	. . .	2 <i>s.</i>
„ the hundred aid	. . .	8 <i>d.</i>
three gelding hides render to the sheriff for his aid	. . .	3 <i>s.</i>
for frank-pledge	. . .	3 <i>s.</i>
„ the hundred	. . .	12 <i>d.</i>
one gelding hide renders for the sheriff's aid	. . .	12 <i>d.</i>
„ „ view of frank-pledge	. . .	12 <i>d.</i>
and from the hundred	. . .	4 <i>d.</i> ¹⁰

This hundred-aid, and sheriff's aid, and the fine for the sheriff's view of the tithings were all apparently levied at regular rates on the hide : twelvecence for the sheriff's aid, twelvecence for the view of frank-pledge, fourpence for the hundred-aid.¹¹

The hundred-pennies are sharply distinguished from a fine customarily paid in lieu of suit at the hundred-court with which they might otherwise be confused. The king demanded from the two sons of William of Taverham in Norfolk 12*d.* yearly for hundred-scot. They defended themselves, saying they had

⁶ *Rot. Hundr.* i. 470.

⁷ *Ibid.* i. 510.

⁸ *Ibid.* i. 541.

⁹ *Ibid.* i. 469.

¹⁰ *Ibid.* ii. 114. In one instance the word *hundred* is followed by *et av'* [= *aver*].

¹¹ Once in Huntingdonshire the hundred-pennies seem to be referred to as 'hundredesgeld', suggesting a levy at a regular rate : 'Item dicunt quod abbas Ramesieae capit hundredesgeld de omnibus feodis suis infra hundredum,' *ibid.* ii. 605. This hundred-geld is comparable with the hundred-aid (*supra*, p. 63, n. 2) which the abbot of Ramsey had as a royal bounty (*Rot. Hundr.* ii. 629). Cf. *Cartularium Mon. de Rameseia*, iii. 322 'Eodem die recepimus de praeposito de Walda de hundredigelda 9*s.* 5*d.* ob. q. ;' *ibid.* ii. 244 (anno 1279-80) 'Habebunt etiam omnes proventus ipsius villae praeter talliagia nostra et praeter auxilium vicecomitis, hundredi et praeter ward-pennys ;' *ibid.* i. 105, 364, 369, 491.

formerly paid 12*d.* to be quit of suit at court, but that since then they had given suit in person, and that the king cannot demand both scot and suit. But it was replied conclusively by the counsel for the king :

The aforesaid William and Thomas always gave the aforesaid 12*d.* for hundred-scot and not for quittance of the aforesaid suit.¹²

Beyond this we may multiply references to the hundred-pennies in these thirteenth-century sources, and gain no more definite information.¹³

In charters of the twelfth as of the thirteenth century the hundred-pennies are rehearsed with a number of other burdens :

Ipsi et omnes homines sui liberi sint ab omni scotto et geldo et omnibus auxiliis regum et vicecomitum et omnium ministrorum eorum et hidagio et carrucagio et danegeldo et horngeldis et exercitibus et wapentaco et scutagio et taillagio et lestagio et stallagio, et sciris et hundredis, et placitis et querelis, et warda et wardpeni, et averpeni et hundredespeni, et borenhalpeni et thethingpeni, et de operibus castellorum, parcorum, et pontium clausuris, et omni careio et summagio et navigio et domuum regalium edificacione et operacione.¹⁴

Quare volumus et firmiter praecipimus quod praedicta Abbatia et monachi eiusdem loci omnes praedictas possessiones . . . teneant quietas de sciris et hundredis, placitis et querelis, tallagiis, murdris, et wapentachiis et temanetale, scutagiis, geldis, danegeldis, hidagiis, assisis, essartis, de operatione castellorum et pontium et parcharum, et wardepeni et de averpeni et caragio et de hundredepeni et de thidingepeni, et de exercitibus et de summonitionibus et auxiliis Vicecomitum et servientium suorum, et omnibus auxiliis et misericordia Comitatus et de franco plegio, et quietas de omni teloneo et passagio et pontagio et pedagio et stallagio et lestagio et de omni saeculari servitio et opere servili, et sicut gloriosus rex Henricus avus patris mei et ipse pater meus illis concesserunt et cartis suis confirmaverunt.¹⁵

They tell no word of the real history of the hundred-pennies other than that the kings of England were frequently granting them away with other immunities at least from the time of Henry I.¹⁶

¹² *Plac. de Quo Warr.*, p. 495.

¹³ Cf. *Malmesbury Register*, i. 245-50, 331. Miss Bateson has commented on the render of 'hundred-silver' here (*ante*, xxi. 719 ff.), and suggested that hundred-silver may be the Saxon 'wall-sceatt' levied on vills in repair of the borough wall.

¹⁴ *Rotuli Chartarum*, i. 2.

¹⁵ *Chartulary of Rievaulx*, 1 Richard I, p. 127.

¹⁶ A charter in the *Coucher Book of Selby*, ii. 19, purports to record a gift of land in the time of William the Conqueror, including among other dues the hundred-pennies: '. . . sint quieti in civitatibus, burgis, foris et nundinis per totam Angliam de quolibet thelonio, tallagio, passagio, pedagio, lastagio, haydagio, wardagio et omnibus geldis, fengeld', horngeld', forgeld', penigeld', tendpenig', hunderpeniges, miskemelig et omni terreno servicio et saeculari exaccioni.'

In a document describing conditions in Taunton in the time of Edward the Confessor they are as briefly recorded :

Here follows in this writing what dues belonged to Tanton in the time when King Edward was quick and dead. That is first, from the land at Nine Hides he should render to Tanton churchscots and borough-rights, hearthpennies and hundred-pennies and the tithing of every hide eight pennies ; housebreaking, forestalling, peacebreaking, thieves, oath, ordeal, fyrd-wite ; and as often as he was bidden he should come to the moot after he was bidden. Dunna was the bishop's man at the time King Edward was quick and dead for the land at Acon and for Taalande and for the two Cadenons ; and he gave as dues five churchscots and hearthpennies and hundred-pennies, housebreaking, forestalling, peace-breaking, and thieves, oath, and ordeal, and three suits at the moot in twelve months ; and the same dues from Eadforda.¹⁷

Though the fact is not explicitly stated, we must believe that the bishop of Winchester collected these hundred-pennies in his manor of Taunton by right of some royal charter or by virtue of a usurpation of a royal privilege. This record shows that before the time of the Domesday Survey there existed this royal render from the hundred.

Since the Conqueror intended the Survey to be a record of his fiscal rights, we should expect that he would keep account of these hundred-pennies, to see to what extent they had been granted away, how far they had been usurped by Saxon thegns or Norman lords, or how far they were being still collected by his reeves ; just as Edward I did in the Hundred Rolls. It is therefore puzzling to find only one specific record of them throughout the whole of Domesday Book, and this but a parallel version of the customs due from Taunton. Taunton is described as a manor in Somerset belonging to the bishop of Winchester, rendering him

£154 13*d.* with all its dependent lands and their customs enumerated with unusual detail.

These customs belong to Tanton: burgeristh [borough-right], latrones, pacis infractio, hamfare, denarii de hundret, denarii sancti Petri, circieti. Three times a year the pleas of the bishop to be held without special summons ; service in the army with the men of the bishop.

These above-mentioned customs are rendered to Tanton by the following lands: Talanda, Acha, Holeforde, Ubcedene, Succedene, Maidenbroche, Laford, Hilla and Hela, Nichehede, Nortone, Bradford, Halfa, Hafella, Scobindare and Stocha.¹⁸

At the first glance it would seem then that Taunton was the only manor in Domesday which collected hundred-pennies from

¹⁷ Kemble, *Codex Diplom.*, no. 897.

¹⁸ D. B. 87 b.

tributary lands. The extreme improbability of this would lead to a closer scrutiny of the Survey, even if the later records of the twelfth and thirteenth centuries were not at hand to give proof of the more general persistence of this render through the eleventh century to this later time. We are led therefore to conclude that the hundred-pennies are recorded in Domesday under some synonymous designation or as included in some larger or more comprehensive render. That they may disappear into a larger render we could indeed surmise from Taunton itself; for without this very special and unusual description of its tributary lands and customs, customs including the hundred-pennies, we should only have known that Taunton 'rendered £50 when Bishop Walchelin received it, now £154 13*d.* with all its dependent lands and their customs'. We should have had no inkling that these customs (*consuetudines*) included hundred-pennies. We are therefore forewarned by this manor of possible omissions in the Domesday record, and these ellipses may be brought to light by a study of the Taunton customs as there given.

The significant characteristic of Taunton is that it was the capital manor of Taunton hundred,¹⁹ and for this reason without doubt continued to collect the hundred-pennies, a public tax.²⁰ Now it is to be observed that Somerset and Devon abound in manors which were similarly the centres of their hundreds and commonly collected 'curious customary dues'²¹ from dependent lands. 'Churi', 'Carentone', 'Sudpetret', in Somerset, for instance, were the centres of 'Churi', 'Carentone', 'Sudpetret' hundreds.²² Likewise 'Tavetona', 'Alseministra', 'Ermentone' in Devon were the centres of 'Tavetona', 'Alseministra', 'Ermentone' hundreds. To such hundred centres payments like the following were due from their tributaries:

This manor [Brede] should render as custom (*consuetudo*) in Curi, a manor of the king, one sheep and a lamb.²³

This manor [Bredene] owed Chori, a manor of the king, two sheep with their lambs as custom every year, but after Drogo received it from the Count of Mortain this custom was not rendered.²⁴

To this manor [Doniet], have been added the lands of two thegns which they held in parage. . . . These manors rendered as custom in Chori,

¹⁹ Exon Domesday 58.

²⁰ The only other public function recorded among these customs is the holding of the pleas of the hundred 'latrones, pacis infractio, hamfare'. These are not the same simple tax upon the hundred as are hundred-pennies. The other customs are ecclesiastical dues, Peter's pence and church-scot, and an undefined 'burgeristh', which may be borough-rights or the dues of 'geburs', a dependent class of the manor.

²¹ Round, *Victoria County History of Somerset*, p. 428.

²² Exon Domesday 58.

²³ D. B. 92.

²⁴ Exon Domesday 249; D. B. 92.

a manor of the king, five sheep with their lambs on that day when King Edward was quick and dead, but since Drogo received the land from the Count this custom has not been rendered.²⁵

This manor [Biehehalde] rendered as custom in the time of King Edward to Chori, a manor of the king, five sheep and their lambs and every freeman a bloom of iron, but after William received the land from the Count this custom was not rendered.²⁶

The Count has a manor called Bachia which Godric held that day on which King Edward was quick and dead. To this have been added two manors which two thegns held in parage in the time of King Edward. Godwin had two hides of them, and Bollo one hide, and they rendered geld for three hides and one virgate. . . . That hide which Bollo held rendered as custom to Chori, a manor of the king, one sheep with its lamb. After R. received the land it was not rendered.²⁷

Other lords in Somerset, besides the count of Mortain, usurped this custom of the king, and other manors besides Curry were the losers thereby.

Edric held Are in the time of King [Edward and it gelded for one hide. . . . This manor rendered as custom twelve sheep in Carentone, a manor of the king, every year. Ralf withholds this custom.²⁸

Edric held Alresford in the time of King Edward and it gelded for one hide. . . . This manor rendered twelve sheep in Carentone, a manor of the king, as custom every year. Ralf has withheld this custom until now.²⁹

Ralf de Limesi has two manors called Bosintona and Alrefort, which rendered as custom every year to a manor of the king called Carentona twenty-four sheep or five shillings, and after Ralf had this land the king had not this custom therefrom.³⁰

In Devon the same tale was repeated.

Godric held [Tavelande] in the time of King Edward and it gelded for one virgate of land. It owes as custom in Taveton, a manor of the king, either one ox or thirty pence.³¹

Osborne de Salciet has a manor called Patforda, which a thegn held in parage on that day when King Edward was quick and dead, and rendered to the King's demesne manor Tavetona either one ox or thirty pence yearly as custom, and after Osbern held this land the king did not have his custom.³²

Girold the chaplain has a manor called Escapeleia, which a thegn held in parage on the day King Edward was quick and dead, but he nevertheless rendered the demesne manor of the king called Tavetona ten shillings yearly as custom, and after Gerold held this manor the king did not have his custom from it.³³

The Count of Mortain has a manor called Honetona, which rendered

²⁵ Exon Domesday 250; D. B. 92.

²⁷ Exon Domesday 478, 251.

²⁹ D. B. 97.

³¹ D. B. 117 b; Exon Domesday 458.

³² Exon Domesday 458; D. B. 116 b.

²⁶ Exon Domesday 250; D. B. 92.

²⁸ D. B. 96 b.

³⁰ Exon Domesday 473.

³³ Exon Domesday 458.

as custom to the manor of the king called Axeministra 30*d.* yearly on the day King Edward was quick and dead; but after the Count obtained this land and Drogo from him, [this custom] was not rendered to the king's ferm.³⁴

Ralf de Pomaria has a manor called Esmaurige, which in the time of King Edward rendered yearly as custom 30*d.* in the ferm of Axeministra.³⁵

William Capra has a manor called Manberia, which in the time of King Edward rendered as custom in Axeministra, a manor of the king, 30*d.*; but for twelve years William has withheld this custom.³⁶

The Canons of Rouen have a manor called Roverige, which rendered to a manor of the king called Axeministra 30*d.* as custom in the time of King Edward; but for a long time the canons have withheld this custom.³⁷

To this manor [Ermentone] these customs belong: from Ferdendel thirty pence and the customs of the hundred. Similarly from Dunitone, and a second Dunitone. Likewise from Bradeford, and Ludebroch. These lands men of the Count of Mortain hold and they retain the customs of the king, that is thirty pence from every vill and the customs of the hundred.³⁸

From this manor [Ferdendella] the hundredmen and reeve of the king claim thirty pence and the customs of the pleas toward the ferm of Ermentone, a manor of the king.³⁹

The Count of Mortain has a manor called Ferdendel, which Godfrey holds of him, which in the time of King Edward rendered as custom thirty pence to Hermentona, a manor of the king, and the other customs which belong to the hundred; but since King William held England these customs have been taken away from the king's manor.⁴⁰

It is apparent from these and similar records that these payments to the capital manor of the hundred had often been rudely interfered with, especially by Norman lords enfeoffed by the Conqueror. But for this stoppage or other disturbance of the king's revenues, it seems, we should never have known of such payments at all, for it is only when some accident has occurred to change the revenue of the capital manor, either the loss or increase of its tributaries, that a record was made of the ancient customs due from these tributaries. We may conclude that where they continued as of old to be regularly paid no specific reference to them was deemed necessary, but that they were tacitly included in the larger render of the capital manor to which these customs were due. Just as it is owing to the unique insertion of the customs, including hundred-pennies, which form part of the revenue of Taunton that that render of £154 13*d.* becomes explicit, so in the case of Curry, and North and South Petherton, it is only through such cross-references as have been quoted above that we know at least one of the

³⁴ Exon Domesday 467; D. B. 100.

³⁵ Exon Domesday 467; D. B. 100.

³⁶ Exon Domesday 467; D. B. 100.

³⁷ Exon Domesday 467; D. B. 100.

³⁸ D. B. 100.

³⁹ Exon Domesday 198.

⁴⁰ Exon Domesday 467.

customs comprised in the general render of the 'ferm of a night with its customs' which these manors gave King Edward.⁴¹ Similarly with other capital manors of these counties, the ferm they rendered the king would have been given but passing notice had not these curious renders of 30*d.*, 15*d.*, sheep and lambs, oxen, and blooms of iron making up the full ferm been in arrears.

These renders, as it seems to me, are in fact the hundred-pennies which Taunton likewise collected from a fringe of tributaries. Here in Domesday, as in the Hundred Rolls of Edward I, the king claims them at the hands of his usurping barons. He continues to claim an old regality, a tax connecting outlying lands of the hundred with the capital manor. Thegns holding in parage, and occasionally freemen connected with the estate of the more prominent thegn, are responsible, and pay these pennies not as a manorial rent, a sign of their dependence, but as their share of a public tax on the hundred. For this reason it seems the Conqueror could still claim them from the lands which the count of Mortain and other lords held and had granted out to their followers as manors. It was a loss to the king that an old public due should degenerate into a manorial rent for others' benefit: to recoup himself he must either sue the usurper (witness the Hundred Rolls and Quo Warranto Proceedings) for resumption of the payment, or he must forestall the lord's manorializing tendency by adding these thegns and freemen to his own estates, perchance reducing their freedom thereby and turning the appearance of the hundred-pennies from a tax to a demesne rent.

We come upon the same customary renders again in East Anglia, where indeed we should naturally expect to find them, for in the time of the Hundred Rolls they occur more frequently in these counties than in any others. There were still many freemen there in 1086, groups of them scattered about through the hundred, commonly appurtenant to some manor, but not infrequently continuing to hold their land independent of any immediate estate. From the record of invasions⁴² made upon such independent freemen by greedy lords, it would appear that their anomalous position was insecure. Such detached and independent freemen seem to be referred to under the rubric, 'These are the freemen belonging to no estate in the time of King Edward whom Almar guarded. They have been added to an estate in the time of King William.'⁴³ They seem to be

⁴¹ D. B. 86. Cf. Taunton, 'now it renders £154 13*d.* with all its tributaries and their customs'. Even the phraseology of the render is similar in both cases.

⁴² D. B. ii. 273 b, 447 b.

⁴³ D. B. ii. 272. Cf. ii. 447: 'These are the free men of Suffolk who remain in the hand of the King.'

freemen of the king guarded by his local officer. One such freeman, I take it, Ulnoth by name, held a land called 'Cambas' under King Edward.⁴⁴ On his land there were sixty-two freemen in the time of King Edward. Cambas was worth at that time £10, and the freemen even more, but the interesting thing is that since Count Brien has taken Cambas a certain customary due (*consuetudo*) which it used to pay the hundred has been discontinued.

Ulnoth a freeman held Cambas under King Edward for two carucates of land. Then and always twelve villains and eight bordarii, then and afterwards six serfs, now two. . . . There are fifty freemen of this same Ulnoth and they have a mill. . . . In the time of King Edward there were sixty-two freemen. Then and afterwards the manor of Cambas was worth ten pounds sterling; now it renders sixteen pounds sterling, but it can hardly bear this render. And these fifty freemen then and later were worth sixteen pounds sterling; now thirty-one, but they cannot suffer this without being undone. After Count Brien the ancestor of Count Robert had this manor it rendered no custom to the hundred.

One Withmer probably belonged to the same class :

Withmer held Anuhus under King Edward for one carucate of land. . . . The whole [manor] was always worth twenty shillings and was in the jurisdiction of the king. After Brien had it he rendered no custom in the hundred.⁴⁵

We may compare an instance in 'Bichesle'.⁴⁶

In Bichesle there was a freeman with a man half-free commended to Anslec in the time of King Edward holding seventeen acres. This man Roger Bigot [the sheriff] guarded as he says, and he renders his *census* to the hundred.⁴⁷

What is this hundred *census* or *consuetudo* which such freemen rendered, except the hundred-pennies? Earl Brien seems just as eager to appropriate this payment as were his peers in Somerset and Devon to withhold the pennies due to the hundred manor, and as the lords of Edward I's day were to annex the hundred-pennies. This hundred *census*, the hundred-pennies, though so infrequently mentioned under this name in these counties, must nevertheless be lying hid here, probably obscured under the general term *consuetudo*. It may be surmised that when other freemen in these counties were being added to a certain estate for the sake of their 'customary render', this *consuetudo* is really the customary render of the hundred, thus deflected to a private

⁴⁴ D. B. ii. 291.

⁴⁵ *Ibid.*

⁴⁶ D. B. ii. 277 b.

⁴⁷ Cf. D. B. ii. 120: 'There is a villain in Aera with half a carucate of land and one plough and he is in the *census* of the hundred.' This is the only instance of one lower in status than a freeman paying the hundred *census* that I have found. It is interesting that he seems to be a villain attached to no estate.

estate.⁴⁸ Whether we shall be able to pierce this crust of custom and follow the hundred-pennies further, remains to be seen. At any rate we have found that they exist in Domesday and reach backwards beyond it. They are a public tax, and they are obscurely connected with some Saxon fiscal system whereby the hundred was assessed, and freemen, it would appear, were liable for payment. The trail leading through Domesday to this older system is not wholly lost. The hundred-pennies, as I venture to call them, in Somerset and Devon were part of the king's ferm collected in a royal manor; and this ferm of King Edward was the 'ferm of a day' or the 'ferm of a night' (the amount of provisions necessary to feed the king and his following for that length of time), an archaic institution reaching back indefinitely into Saxon tradition. There are reasons for believing that this ferm was once generally assessed upon the kingdom.⁴⁹ If we follow out these indications, it seems possible that through the hundred-pennies in Domesday the way may be open to a clearer view of the history of the royal ferm.

E. B. DEMAREST.

The Sources for the First Council of Lyons, 1245

IN the long struggle between the empire and the papacy the deposition of the Emperor Frederick II on 17 July 1245 marks a climax which has given exceptional interest to the council responsible for the sentence. A subject at once so important and so dramatic has naturally attracted many historians, and its literature has steadily grown in bulk. Our knowledge has also increased, but not in proportion. Progress has been made almost entirely by the more careful criticism of already well-known contemporary accounts; and A. Folz, who wrote the latest monograph on the council,¹ used no important evidence not known to Karajan, who in 1849 made the first serious attempt to handle the sources critically.² Both overlooked an account printed so long ago as 1844, which was written probably not more than thirty-five years after 1245 and most likely based on the docu-

⁴⁸ D. B. ii. 138 b: 'In Dentune there are twelve socmen. Stigand had jurisdiction over them in Ersam, and they had sixty acres. And St. Edmund had jurisdiction over four and they had forty acres which they could not dispose of by gift or sale outside this church, but Roger Bigot added them to Ersam for the sake of their custom because jurisdiction was already in the hundred.'

⁴⁹ Maitland, *Domesday Book and Beyond*, p. 237.

¹ *Kaiser Friedrich II. und Papst Innocenz IV. ; ihr Kampf in den Jahren 1244 und 1245*, Strassburg, 1905.

² 'Zur Geschichte des Concils von Lyon 1245,' in *Denkschriften der kaiserlichen Akademie der Wissenschaften*, Philosophisch-historische Classe, ii. 67-118 (Vienna, 1851).

mentary evidence of eyewitnesses.³ Since the contemporary materials hitherto examined conflict at several points, it may not be out of place to attempt an estimate of the nature and value of this neglected source.

The record is the first entry on a roll which bears the title : *Articuli et Petitiones Praelatorum Angliae, et Responsiones Regis ad ipsos factae. Et alii diversi Articuli in concilio generali Lugdunensi et alibi, cum Supplicationibus factis Domino Papae pro regno Angliae—temporibus Henrici tertii et Edwardi filii eiusdem.* The editor, Sir Henry Cole, tells us that the roll was deposited in *Cur. Rem. Scaccarii* and that the membranes composing the roll were 'attached according to the Chancery mode',⁴ from which it may be inferred that the document was written in the royal chancery for official purposes. He further dates the roll vaguely '29 Hen. III and Ed. I', and says that the title is contemporary. I have had no opportunity to examine the manuscript, but a more definite date may be established by consideration of the internal evidence. The paragraph about the council of Lyons is followed by several other entries which deal with the powers in dispute between the king and the pope or between the king and the English clergy.⁵ All are copies of documents issued in 1245⁶ or in 1274,⁷ except three. The first of these is a series of articles concerning the respective jurisdictions of the lay and ecclesiastical courts,⁸ without indication of date. The second is a set of decrees enacted by a legatine assembly in the time of King John. The position of this item near the end of the roll indicates that the entries were not made on the roll at the same time with the events which they describe. The third, which is the last on the roll, is a list of limitations on the jurisdiction of the ecclesiastical courts. It concludes with suggested amendments

³ *Documents illustrative of English History in the Thirteenth and Fourteenth Centuries, selected from the Records of the Department of the Queen's Remembrancer of the Exchequer*, p. 351. ⁴ *Ibid.*, p. 351, note; p. xxxix. ⁵ *Ibid.*, pp. 351-62.

⁶ Their nature may be indicated briefly: (1) a letter sent to the cardinals at the first council of Lyons by the English baronage. It is the same, *mutatis mutandis*, as the letter addressed to the pope on the same occasion by *magnates et universitas regni Angliae*, which is preserved by Matthew Paris, *Chronica Maiora*, ed. Luard, iv. 441-4. (2) A list of further grievances presented to the pope at the same time. This is identical with a list given by Matthew (pp. 527, 528): he says, however, that the pope would not promise remedy (p. 478), which is contrary to the statement made in the roll (p. 353). (3) Two papal letters dated 7 April and 11 June 1245. Other copies of these are printed by Rymer, *Foedera*, i. 255, 261. (4) Six letters patent issued by Henry III between 19 April and 11 June 1245. Duplicate copies of these appear in *Cal. of Patent Rolls, 1232-47*, pp. 454, 455, 463.

⁷ These are: (1) An account of the selection of nuncios to be sent to the second council of Lyons held in 1274; while there can be no doubt about the date (see *ante*, xxx. 401, n. 21), it is not certain that this entry is the copy of a document: (2) the instructions given to the nuncios.

⁸ These articles are similar in form and content to the statutes *Circumspecte agatis* and *Articuli cleri: Statutes of the Realm*, i. 101, 171-4.

de novo statuto per vos edito domine Rex illustris super terris ad manum mortuam, which fixes the date after Michaelmas 1279.⁹

This roll was connected by Cole¹⁰ with two others which he edited.¹¹ One contains the constitutions of Archbishop Peckham adopted at the provincial council of Reading on 30 July 1279.¹² The other preserves five documents, which, with one exception, relate to questions of ecclesiastical jurisdiction raised by the acts of that council. The fifth is a complaint of papal oppression. All appear to have been written in 1279, or soon after, and one is dated 24 October 1279. The entries on all three rolls deal with the rights contested between church and state, and many of them find in the council of Reading the reason for their existence. It seems highly probable, therefore, that all three rolls were drawn up to serve Edward I as a memorandum in the quarrel which he had with Archbishop Peckham in 1279 as a result of the claims made at Reading in behalf of the ecclesiastical authority.¹³

This conclusion may appear at first glance to deprive the description of the first council of Lyons of all value as an historical source. Before such an inference is accepted, however, it should be determined whether the narrative was reproduced in 1279 from memory, or was the copy or summary of a document written originally in 1245. About one portion of it there can be no doubt. The appeal made by Thaddeus of Suessa, the imperial proctor, against the decision of the council is stated in his own words. They are the same as those found in an independent copy of the speech.¹⁴ It would be wellnigh impossible for any one to retain the exact words of a speech in his memory for thirty-four years. About the remainder there can be no such certainty, but a high degree of probability may be established. It is evident that all the remaining entries on the roll are copies of documents with one possible exception.¹⁵ It is probable, furthermore, that Henry III received a written report in 1245 from the nuncios whom he sent to the council,¹⁶ and this the writer of the roll in 1279 might have had at his disposal. The account, therefore, although not entered on this particular roll until 1279, may be presumed to be based on records written at the time of the council.

In order to explain the contribution made to our knowledge

⁹ The Statute of Mortmain was enacted at the Michaelmas parliament of 1279: Stubbs, *Select Charters*, 8th ed., pp. 457, 458; *Cal. of Patent Rolls, 1272-81*, p. 335.

¹⁰ p. 351, note.

¹¹ pp. 362-70.

¹² These are printed from another manuscript by Wilkins, *Concilia*, ii. 33-6.

¹³ Cf. Stubbs, *Constitutional History*, 4th ed., ii. 116, 117; *Select Charters*, p. 458.

¹⁴ Edited in *Monum. Germ., Constit.* ii. no. 399, and by Huillard-Bréholles, *Historia Diplomatica Frederici Secundi*, vi. 318. There are slight differences, such as might be due to the errors of a copyist, but they are few and unimportant.

¹⁵ Above, n. 7.
¹⁶ The nuncios on their return from Lyons went to Wales to report to Henry: *Ann. Cestrienses*, Lancashire and Cheshire Record Soc., p. 64.

by Cole's document it is necessary to survey briefly the sources previously used by historians. These may be divided into four classes: (1) a poem called *Pavo*¹⁷ which tells the story of the council in the form of a parable about an assembly of birds: its historical value is small, since it is a satire written with evident prejudice and since neither the author nor the date of composition is known with certainty;¹⁸ (2) three fugitive pieces written to win popular support for the papal party against Frederick,¹⁹ which may perhaps throw some light on the politics of the council, but they were written shortly before the council met;²⁰ (3) a protest by Frederick against the decree of deposition setting forth his view of the action taken by the council;²¹ (4) contemporary narratives.²² Nearly all of these mention the deposition of the emperor,²³ a few touch briefly on other acts of the council, several have a word about the attendance,²⁴ but only two deal with the proceedings of the council as they occurred session by session. One was written by Matthew Paris;²⁵ the other, which is known as the *Brevis nota eorum quae in primo concilio Lugdunensi generali gesta sunt*, by an anonymous author.²⁶ These two are by far the most important sources.

The *Brevis Nota* is a brief dry narrative. There is no indication of the personality of the writer, but his detailed description of the ceremonial parts of the procedure led Karajan to the conclusion that he was an eyewitness.²⁷ Because this portion of the otherwise short account is so full, and because the *Brevis Nota* is found along with the *Liber Cancellariae* and the *Consuetudines Cancellariae* in a manuscript written about 1280, Dr. Tangl conjectured that the record was made by a papal notary chiefly for the purpose of preserving a precedent for conciliar procedure.²⁸ The reader who turns from the *Brevis Nota* to Matthew Paris

¹⁷ First edited by Karajan, *ubi supra*, pp. 93-117; also printed from another manuscript by Roth in *Romanische Forschungen*, vi. 46-54.

¹⁸ See Mulder, 'Zur Kritik der Schriften des Jordanan von Osnabrück', *Mitteilungen des Instituts für österreichische Geschichtsforschung*, xxx. 101-19 and the works there cited.

¹⁹ The best texts of all three are given by Winkelmann, *Acta Imperii inedita*, i. 568-70; ii. 709-21.

²⁰ Graefe, *Die Publizistik in der letzten Epoche Kaiser Friedrichs II.*, pp. 114, 119, 125-8, 155-63, 171-9. Compare Hampe, 'Über die Flugschriften zum Lyoner Konzil von 1245', *Historische Vierteljahrschrift*, xi. 297-313, and Folz, pp. 51, 52.

²¹ *Monum. Germ., Constit.* ii. 360-6.

²² Most of these are enumerated by Karajan and Folz.

²³ Only four fail to speak of the sentence, and two of these are Sicilian chronicles.

²⁴ See Karajan, pp. 76-81; Berger, *Saint Louis et Innocent IV*, pp. 119-28; Folz, pp. 55-64.

²⁵ *Chronica Maiora*, iv. 410-15, 419, 420, 430-79.

²⁶ The best edition is that in *Monum. Germ., Constit.* ii. 513-16.

²⁷ p. 83.

²⁸ 'Die sogenannte Brevis nota über das Lyoner Concil von 1245', *Mitteilungen des Instituts für österreichische Geschichtsforschung*, xii. 247-9.

experiences much the same feeling as one who reads Macaulay after perusing the *Statesman's Year Book*. Matthew is here at his best. He rambles in his usual discursive fashion, but he makes an exceptionally good story and a much more circumstantial one. Schirmmacher's assumption that Matthew was present at the council²⁹ may be rejected,³⁰ but, as Kington-Oliphant long ago pointed out,³¹ he doubtless heard the story first-hand from members of the English clergy who attended.³² Dr. Tangl's hypothesis that the English chronicler may have used the *Brevis Nota*³³ is untenable,³⁴ and Matthew should be regarded as an independent authority who had ample opportunity to secure his information from trustworthy sources. On the other hand, he quotes at such great length from speeches made at the council, that he has been accused of sacrificing historical accuracy to rhetorical effect; ³⁵ a temptation to which he sometimes yielded.³⁶

It is difficult then to evaluate rightly these two principal sources. The one was probably, but not certainly, written by an eyewitness; the other probably rests on credible testimony, but it may be coloured to suit the author's fancy. When the two agree, there is no difficulty; but when they differ, which is to be accepted? The less important sources hitherto utilized contribute little towards a solution, and modern historians have answered the question in different ways. Since the publication of Karajan's study (1851), and more especially since Dr. Tangl made known his conclusions (1891), the general tendency has been to give superior credence to the *Brevis Nota*,³⁷ but the practice has not been uniform.³⁸ Here Cole's document is of prime importance. It adds

²⁹ *Kaiser Friedrich der Zweite*, iv. 388.

³⁰ Folz, pp. 42, 43; Tangl, p. 247, n. 4.

³¹ *History of Frederick the Second*, ii. 360.

³² For the English who went to the council see Matthew Paris, iv. 413, 414, 419, 430, 555; Cole, p. 351; *Cal. of Patent Rolls, 1232-47*, pp. 454, 463; *Notices et Extraits des Manuscrits*, xxi, part ii, 271.

³³ p. 247, n. 4.

³⁴ Folz (pp. 44, 45) seems to settle the point conclusively, and much more evidence might be offered.

³⁵ Tangl, p. 247, n. 4; Folz, pp. 44, 45; Hampe, in a review of Folz's monograph, *Historische Zeitschrift*, ci. 372.

³⁶ Liebermann, introd. to *Chron. Mai., Monum. Germ., Script.* xxviii. 92.

³⁷ Schirmmacher's treatment is an exception, since he believed Matthew to have been present. Some other accounts are by authors who make no attempt to handle the sources critically (e.g. Kington-Oliphant, ii. 356-69; Gerdes, *Geschichte der Hohenstaufen*, iii. 356-63). Cardinal Gasquet (*Henry III and the Church*, p. 240) says that 'most of the information we now possess about the Council of Lyons is derived from his (i. e. Matthew's) chronicle', and Mr. A. L. Smith (*Church and State in the Middle Ages*, p. 169) asserts that Matthew's is 'the only contemporary description' of the council.

³⁸ Take, for example, the divergence on the five topics which Innocent put before the council for discussion on 28 June (see below). Karajan (p. 84) follows Matthew, while Schirmmacher (iv. 127) accepts the *Brevis Nota*. Hefele (*Conciliengeschichte*, 2nd ed., v. 1109), Berger (pp. 129, 130), and Folz (p. 71) also prefer the latter.

few new facts, but it supplies a third and an independent narration of the business transacted at the council, and makes it possible to test the accuracy of Matthew and the *Brevis Nota* at several points of conflict.

The two disagree notably over the date of the first session. Matthew places it on 26 June with the second two days later.³⁹ The *Brevis Nota* has the council open on 28 June.⁴⁰ Since the events ascribed to 28 June are substantially the same in both, it has usually been assumed that Matthew's description of a session on 26 June applies to a preliminary meeting held for the purpose of arranging business and not to an official session.⁴¹ Cole's document, like the *Brevis Nota*, speaks of only three sessions and places the first on 28 June. Indirectly it gives reason to distrust Matthew's report of the preliminary session. Matthew states that the English envoys were then present,⁴² while the document says they did not attend on 28 June. As they probably failed to arrive in time,⁴³ their presence on 26 June must be regarded as doubtful. On 28 June Innocent IV announced the programme of business under five heads. The *Brevis Nota* and Matthew agree on four, but where the former mentions the depravity of the clergy,⁴⁴ the latter gives the new heresies:⁴⁵ Cole's document with its 'ordinances and constitutions of the whole general church' does not necessarily contradict either of the other statements, but the canons enacted by the council⁴⁶ deal largely with the discipline of the clergy and not at all with heresy.⁴⁷ The most controverted question of all is the date when the pope, at the request of the imperial representative, authorized a prorogation of the council in order to allow time for the emperor to appear in person. Matthew says that the pope granted a delay of two weeks on 29 June at the instance of the proctors of the kings of France and England, after he had refused the same favour to Thaddeus, the imperial

³⁹ pp. 431, 434.

⁴⁰ p. 513.

⁴¹ Karajan, pp. 81-3; Kington-Oliphant, ii. 357; Schirmmacher, iv. 391; Hefele, v. 1106; Berger, p. 128; Folz, pp. 65-7.

⁴² p. 431.

⁴³ The last of their instructions were not issued at Westminster until 11 June (*Cal. of Patent Rolls, 1232-47*, pp. 454, 463), and it would have required very rapid travelling for them to have arrived at Lyons by 28 June. In 1306 a messenger spent sixteen days in England and thirty-two across the Channel in going from Winchester to Lyons and return (Public Record Office, Exch. K. R. Accounts, 369/11). Sixteen days from Wissant (near Calais) to Lyons is probably a reasonable time for a fast journey. A medieval itinerary (*Registrum Malmesburiense*, ed. Martin, ii. 421, 422) allows nine days from Paris to Lyons. At the same rate of speed (i. e. about 35 miles a day) it would take from five to six days to go from Wissant to Paris. The journey from London to Wissant would occupy three or four days under favourable conditions (Public Record Office, Exch. K. R. Accounts, 309/12). If the nuncios left London on the morning of the 11th and accomplished their journey in remarkably good time, they would hardly have reached Lyons until the evening of the 27th.

⁴⁴ p. 514.

⁴⁵ p. 434.

⁴⁶ Matthew Paris, iv. 462-72; Hefele, v. 1114-23.

⁴⁷ See Folz, p. 70, n. 1.

proctor, the day before.⁴⁸ According to the *Brevis Nota* Thaddeus made his appeal at the session of 5 July and the pope immediately appointed the next session for 17 July.⁴⁹ Cole's document does not treat the subject directly, but it throws light on one aspect of the problem. Those who believe Matthew's statement and those who maintain the correctness of the *Brevis Nota* rely on the same evidence. Frederick in his letter of 31 July asserts that the pope should have awaited the return of Walter of Ocra, who had been sent from the council to the emperor in Italy, for a period stated in some copies of the letter at twenty days, and in one copy at twelve.⁵⁰ From this it is inferred that Walter had been sent to announce the adjournment to the emperor; and those who prefer the reading twenty days maintain that Walter left Lyons on 30 June and thus support Matthew,⁵¹ while those who prefer twelve days uphold the *Brevis Nota*.⁵² Cole's document states that Walter was present at the second session, and thus disposes of the attempt to prove Matthew's veracity by an inference drawn from Frederick's declaration.

None of these points is in itself of great significance, but the cumulative result of the whole comparison places the two principal sources in a much clearer light. Wherever Cole's document throws light on the divergences between Matthew Paris and the *Brevis Nota*, it is the former which suffers from the illumination. The reasons for the belief that Matthew's account must be used with great caution are increased, while the prevailing opinion that the *Brevis Nota* is the more trustworthy of the two sources receives fresh confirmation.

W. E. LUNT.

A Political Agreement of June 1318

WHEN engaged recently in arranging a series of papers described as 'State Papers Supplementary', which are very miscellaneous in character though largely akin to the series of state papers already known and printed, I came across one bundle consisting wholly of papers relating to Scotland. The origin of these papers it is difficult to recognize with certainty, though the following suggestions are probably correct.

The documents cover a period of a century or more, viz. from 1546 to 1653. It is a well-known fact that few state papers relating to Scotland exist in the Public Record Office for the period 1603 to 1688, the reason doubtless being that the records of legal

⁴⁸ pp. 436, 437.

⁴⁹ p. 515.

⁵⁰ *Monum. Germ., Constit.* ii. 364.

⁵¹ Schirrmacher, iv. 128-30, 396-8; Hampe in *Historische Zeitschrift*, ci. 373-8.

⁵² Berger, pp. 130, 131; Folz, pp. 84-8, 156-8.

and other processes relating primarily to Scotland after the union of the crowns under James I were preserved in Scotland as before ; while diplomatic matters relating to Scotland would no longer be treated apart as though they concerned a foreign country. The documents in this bundle are in Scottish, and consist almost entirely of writs and other Scottish law proceedings, very varied in character but relating to transactions between well-known Scottish families. This may give us a clue to their being where they are. After the battle of Worcester Cromwell ordered the Scottish legal records to be removed to London, which was done ; but their withdrawal from Scotland was found so inconvenient to the proper conduct of business there that in September 1653 the council of state ordered the Scottish legal records to be sent back, that is 'such registers as concern private persons' rights, their warrants and all processes of plea' ; while 'such as are of public concernment and for the benefit of the commonwealth' were to be kept here.¹ Nothing was done, however, till the order in council of 23 July 1657, referring the matter to a committee, who reported on 28 September following ; and the council's order for return of such records, together with the inventory of them, is printed by Ayloffe.² This bundle then appears to consist of some of the documents not returned to Scotland. They are all on paper and lie between the dates mentioned above, except two. These two are on parchment and much earlier in date. The earlier of them is dated 25 June 1294, and is an *Inspecimus* by Edward I of the grant by John, king of Scotland, to Anthony Bek of land in Wark. This was seen by Mr. Joseph Bain, the editor of *Documents relating to Scotland*, for he has made a pencil note on it, but he prints the contents (vol. ii, no. 691) from the enrolment on the Charter Roll.

The other parchment document is the one printed below. From some faint pencil notes made upon it by Mr. Bain, it would appear that he saw this also, but for some reason rejected it. Possibly its then condition made it difficult to decipher, or its bearing on Scottish history may have seemed insignificant in comparison with its importance for English affairs. It has now been carefully repaired and every letter that remains is legible.

The document, however, is a draft and has many alterations in it, while the *lacunae* are still more numerous and existed before it was repaired. But most happily they do not really obscure the real purport of the document, which is pretty evident in spite of the gaps. To account for these two early parchments in a bundle of paper documents of much later date is not easy. They

¹ *Calendar of State Papers, Dom.*, 1653-4, pp. 138, 139, &c.

² *Cartae Antiquae*, lix, lx, and p. 352 *et seq.*

both seem to have come from the English chancery, in which indeed there were a certain number of loose documents concerning Scotland; ³ and their only connexion with the rest of the bundle is that they relate to the same country. Having strayed from their proper series they were probably found by some one aware of this Scottish collection and put there as an appropriate home. They have now been classified among chancery documents. ⁴

Little need be said as to the contents of the document, which speak for themselves. The number of alterations and the occasional repetition of a word indicate that it was drawn up in a hurry. In the crisis caused by the invasion of England by the Scots, who in June 1318 had penetrated as far as Yorkshire, ⁵ which was accentuated by the disloyalty of the earl of Lancaster, the prelates and peers in London met hastily to consult what was to be done; and here we have the result of their deliberations, and the agreement that was reached. The attitude of the earl of Lancaster to the court, the mixing up of his personal and domestic with political grievances owing to the neglect to observe the ordinances of 1311, is curious and presents a vivid picture of the times. The actual day of June given in the document has disappeared in one of the gaps; but the following evidence seems to prove conclusively that it was 8 June 1318. Under that date the *Annales Paulini* ⁶ have the following notice:

Eodem anno vj^{to} Idus Iunii, dominus rex et archiepiscopus et episcopi, comites et barones, venerunt apud Sanctum Paulum Londoniis et in pulpito, iuxta magnum crucem in navi Ecclesiae, episcopus Norwicensis pronuntiavit quod dominus rex vellet omnino adhaerere et coaptare se consilio et auxilio comitum et baronum suorum.

On the same day also, 8 June, was issued a revocation of the summons to the barons to attend a parliament to be holden at Lincoln on the morrow of Holy Trinity next, since the king is unable to hold such parliament as he is going to York to repel the invasion of the Scottish rebels. ⁷ On 10 June another writ was issued to the earl to be at York on the morrow of St. James (i. e. on 26 July) prepared to set out with the king against the Scottish rebels. ⁸ Similar writs were directed to other earls, barons, prelates, &c., on each occasion.

³ As for instance, Chanc. Miscellanea, Bdle. 12 (9-11).

⁴ Viz. Chancery Miscellanea, 22/12 (48), and Parliamentary Proceedings (Chancery), 4/11 (26).

⁵ Cf. Patent Roll 11 Edw. II, pt. 2, m. 8 (printed in Palgrave's *Parliamentary Writs*, II. i. 501).

⁶ *Chron. of Edw. I and Edw. II* (Rolls Series), i. 282.

⁷ Close Roll, 11 Edw. II, m. 3 d (*Parl. Writs*, II. i. 181).

⁸ Close Roll, 11 Edw. II, m. 2 d (*ibid.*, p. 501).

I am much indebted to my colleague, Mr. Charles Johnson, for his kind help in preparing the transcript of the document and in the notes.

EDWARD SALISBURY.

Public Record Office, Chancery, Parliamentary Proceedings, file 4 (26)

N.B.—Words or portions of words within square brackets are likely or possible emendations supplied to fill some of the gaps in the original.

The dots represent gaps which cannot be filled in; the spaces they cover have been carefully measured to represent accurately such gaps.

Words in italics are in the original underlined for deletion; the emendations over them, when there are any, are printed within angular brackets.

Fait a remembrer qe come les honorables piers en dieu par la grace de dieu Wauter Erce[evesqe de Caunterbiri primat] de tout Engleterre, Alisandre Ercevesqe de Dyvelyn etc. et les nobles hommes monsieur [Aymer de Valence counte de] Pembrok, monsieur Humfrai de Bohun counte de Hereford et Dessex, monsieur Hugh le Desp[enser e autres grandz du roiaume le] . . . jour de Juyn Lan du regne nostre seigneur le Roi Edward f[iuz le Roi Edward] unzime feur[ent assembles ouesque le] conseil le Roi a Westmouster *al petit Eschequer* pur conseiller [e aider] nostre seigneur le Roi [pur la] salvacion de son roiaume contre la malice et maveste de ses [rebelles Descoce, qi fu]rent entrez la terre [Dangleterre] as grantz ostz josques en le counte Deuerwyk en destruant seint esglise et de grant te [r . . . e gastanz] . . . lanc' iloeques de [jour en autre] e tieux maux fesantz. Et pur hastif conseil e avisement iement du Roiaume poer, se anvirent e e joindrent de bone foi < sans fraude ou feintise a ceo > *par promesses acorderent* sur les choses [qe chescun de eux] . . [desous d]itz [qe sensuit] *aprez Cestassav[er]* . . primerement qe touz *ensemblent* < jointement > e chescun de eux par li a son poer bon choses al honur e ben du Roi *e droit* e < e a droit port de li mesmes e deu > gremement de son poeple commun profit [du roiaume] et singular profit et de bone loiaument a lour poer *de commun assent* sans feintise mettre a li touchent, et tout le bon qil porront que choses noundues si nules soient et al honur e profit ses busoignes destre duement menees. Dautre part pur ceo qe les ditz maux e au e es terres nostre seigneur le Roi, et plus grantdz font a douter si remede ne soit mise de ceo qe le Co[unte] de [Lancastre se] est sustreit e ne se est pas done a conseiller ne aider a nostre seigneur le Roi en ses busoignes come [li appent] e de ceo qe avant tele sustrete il vint as parlementz e assembletz le Roi a force e armes e outrageuse pre . . [e plusers] foitz a fait assemblees de gentz darmes en affroi du poeple, par quoi commune fame e voiz del poeple e est qe par les dites enchesons les ditz maux sont avenuz, et le dit Counte de Lancastre en excusant [les ditz assembletz] de gentz et darmes dit qe il le fait en aucun cas pur les ordinances nadgueres a commun profit du roiaume faites [et par les] grandz du Roiaume jurees maintenir et en aucun cas pur sei garder des aucuns grandz qi sont pres du Roi e qe mal li [conseillerent]

et entente homme qe par celes enchesons e pur ceo qe sa femme nadguerres fu esloigne hors de sa garde par [le maundement] du conseil le Roi, e par assent des autres qe ceo abbetterent et auxint ont procure le Roi davoir coru sus le dit [Counte de] Lancastre, a ceo qe mesmes le Counte les surmette; Les prelatz e autres grandz susnometz regardantz le deshonor de nostre se[ignur] le Roi e le damage de li e de son poeple, e la grant destruccion del poeple e du Roiaume qe ore est a douter par les [gentz] Descoce, e la hastive remede qe y covendreit mettre par unie force des grandz du Roiaume aviserent . . . la gref . . . cele malevoillance entre les grandz du Roiaume remede covenable ne y porra estre mise si hastivement come mestier serroit [par] le Roi e son roiaume, e nomement si tieux grefs se deussent trier selom lei de terre; pur lonur de dieu e sauvete de sainte esglise . . . e del poeple e pur ben e la grant necessite de pees e acord entre les grandz du roiaume e nomement a ore; . . . ces le dit Counte de Lancastre se sont acordez en la forme qe sensuit; Primerement pur ceo qe les dites orde[nances] . . . aus[siben] as prelatz e grandz susnometz e par eus furent jurees come le dit Counte de Lancastre; qe . . . de celes ordenances maintenir ne face assembles des gentz darmes, ne force usera plus qe un . . . par commun assente des prelatz e grants susnomes, e de li ou de la greigneur partie de eus; et qe es parleme[nts et assembletz] . . . le Roi il seit come pier du roiaume, sanz soverinete a li accrocher vers les autres . . . [en temps ave]nir. Et quant al esmener e laloignance de sa femme, qe si ceux qe le dit Counte de Lancastre ent ad suspects . . . qe le Counte resceive le . . . e qe laquiance de cels qil auera suspect del fait seit se duzime des gentz dignes [de foi, e de cels qil aver]a suspect del assent e conseil en mesme le fait seit se sisme des gentz dignes de foi, e qe ceux qe le dit Counte avera de cel fait suspects e qi ne se volent acqiter facent amendes al dit Counte, e lamende de li qi ne se vodra acqiter de cel fait, seit tiel, et de celi qi ne se vodra acqiter del assent et conseil seit tiel sanz attendre reddur ou durete de lei en tiel cas, et ceo pur le grant ben e necessite qi aore est . . . mue. Et si par aventure le dit Counte de Lancastre, *sanz aver regarde al bon e profit qe purrent . . . de li e de ceux ou as maux qe sont avenuz e avenent de jour en jour par descorde de eux,* [ne vodra telles amend]es accepter ne aggreer, mes demorer a ceo qe reddur de lei lei (*sic*) durreit e en descorde e grosseur . . . et le Counte de Lancastre [. . . me]sme ceux par serment e <ou> en autre manere al avisement des prelatz e [grandz susn]ometz, qe le privement . . . a ne mal fra ne procura estre fait pur ceo fait ne pur autre, si noun par la lei e solonc la lei. Et [si le dit] Counte ne les vodra . . . Roiaume e les grandz susnometz vivement empreignent les busoignes nostre seignur [le Roi] e du roiaume al [honor et profit de sainte eg]lise, e du Roi e la sauvaucion du poeple e de lestat le Roi sanz attendre ou regard a[voir] . . . Counte] de Lancastre, et ne seoffront tant come en eus est qe le dit Counte face as autres [nule] chose fors qe par la lei . . . dit Counte en leur reson. Estre ceo si par aventure les ditz Countes e autres [grandz

du roiaume qi] se sont ajoint as prelatz pur le bien du Roi
 e de Roiaume ou des ditz prelatz ou aucun de eux
 Counte de Lancastre pur ceste busoigne, qe touz les
 autres e chescun de eux a com qe serra
 encuru tieu maugre⁹ desicome il se joignent en cestes choses pur le
 commun [profit du roiaulme e non] par autre encheson. Et volent les ditz
 prelatz e grandz qe cest acord e joingndre vers chescun deux
 nt solonc les pointz susescritz, et qe si nul de eus venist
 lencontre qe deu defende qe les autres ne cest acord.

Queen Mary's Chapel Royal

THE English Chapel Royal as a musical institution may be said to date from 1348, when Edward III organized it on continental models ; it was confirmed by letters patent on 26 October 1351, and was granted privileges by Clement VI and by Innocent VI (1354). Its history, however, from the fourteenth to the sixteenth century has yet to be written. It has been said that a trained musical staff was not added 'till 1420', as 'there has not been found, up to the present, any mention of the children of the chapel before Henry V's reign';¹ but the Patent Rolls record a grant to John Tilbury, 'one of the boys of the King's Chapel', on 12 November 1405.² It is well known that Henry V had his chapel singers on the campaign of Agincourt (October 1415) and at Rouen (January 1419). Again, it has been asserted that the first instance of 'impressing' suitable choir-boys for the Chapel Royal occurred under King Richard III, on 16 September 1484; in fact, a royal commission was issued to John Pyamour for this purpose as early as 14 January 1420.³ Twenty years later, a similar commission was granted to John Croucher, dean of the chapel, on 12 July 1440, 'to take throughout England such and so many boys as he or his deputies shall see to be fit and able to serve God and the King in the said royal chapel'.⁴ Under John Plummer (1440-62) and Henry Abyngdon, Mus.B. (1462-78), successively Masters of the Children, the services of the Chapel Royal compelled the admiration of distinguished foreign visitors. Leo von Rozmital, brother-in-law of the king of Bohemia, in his account of Edward IV's Chapel Royal, in 1466, says, 'We heard in no country more agreeable and sweeter musicians than these'; and he adds, 'I believe there are no better singers in the world'.⁵ Gilbert Banaster (1478-86),

⁹ ? for *manere*.
¹ G. E. P. Arkwright, in *Proceedings of the Musical Association*, 1914, p. 121.
² *Cal. of Pat. Rolls*, Hen. IV, iii, 1405-8, p. 96.
³ *Ibid.* Hen. V, ii, 1416-22, p. 272. ⁴ *Ibid.* Hen. VI, iii, 1436-41, p. 452.
⁵ Terry, *Catholic Church Music*, p. 180.

Laurence Squire (1486–93), and William Newark (1493–1509) carried on the good tradition, while, during the rule of Master William Cornish (1509–23), the Venetian ambassadors, on 6 June 1515, chronicle the charming singing of the choristers in the Chapel Royal. Cornish wrote the interlude of the *Four Elements*, published by Rastell in 1517, which contains one of the earliest specimens of English dramatic music. He also composed ‘By a bank as I lay’, and two of Skelton’s songs, ‘Manerly Margery Milk and Ale’ and ‘Wofully Afraid’. With ten of the chapel choristers he attended Henry VIII to the Field of the Cloth of Gold (1520), and he died on 25 March 1523, being succeeded by William Crane (1523–45).

As a child the Princess Mary was brought up in a musical atmosphere. From the age of four she had been taught music by Dionysius Memo, a priest-musician from Brescia, organist of St. Mark’s, Venice, whose organ recitals gave much pleasure to Henry VIII and his court.⁶ She was also instructed in the virginals by John Heywood and Philip van Welder. Writing in August 1525, Lorenzo Orio says that the princess ‘is a rare person, and singularly accomplished, most particularly in music, playing on every instrument, especially on the Lute and the Virginals’.⁷ This statement is corroborated by Mario Savagnano in 1531.⁸ By patent of 12 May 1526, the number of boys of the chapel was increased from ten to twelve, and the salary of the master, William Crane, increased from 40 marks to £40.⁹ The religious changes during the latter part of the reign of Henry VIII did not seriously affect the musical services in the Chapel Royal, but it is well to note that the ancient catholic rite was observed with high mass at the coronation of King Edward VI in 1547. Even the drastic liturgical changes in 1549 and 1550 did not apply to the Chapel Royal, and thus, in 1554, the gentlemen and choristers were practically the same as those under Edward VI. It should be noted to their credit that the English musicians of the period 1530–70, almost to a man, stood by the old religion, including the organists of St. Paul’s Cathedral and of Westminster Abbey. We need only name Tallis, Byrd, Redford, Westcott, Bower, Wayte, Heywood, Pigott, Perry, Edwards, Shepherd, Causton, Taverner, Tye, Whyte, Parsons, Munday, and Farrant.

Under Queen Mary, three distinguished foreign musicians came to England and spent some months in London—a fact which is little known. These were Felix Antonio de Cabezon

⁶ *Cal. of State Papers, Venice*, ii. 780; *Letters and Papers, Hen. VIII*, ii. 2401, 3455.

⁷ Sanuto, *Diarii*, xxxix. 356.

⁸ *Venet. Cal.* iv. 682.

⁹ Wallace, *Children of the Chapel at Blackfriars* (1908).

(1510–66), the marvellous blind organist, who was chamber musician to King Philip; Philippe de Monte (1522–1603), the Belgian composer, who became chapel-master at Vienna in 1568; and Orlando de Lassus (1530–94), one of the glories of the Flemish school. De Cabezon and de Monte were attached to the household of Philip of Spain, the husband of Queen Mary, while de Lassus is said to have come over in the train of Cardinal Pole, the papal legate, who landed at Dover on 20th November 1554.¹⁰ De Monte, while in England, was on terms of friendship with William Byrd, with whom—according to a pleasant custom that might well be revived—he exchanged compositions. De Lassus composed the motet ‘Te spectant, Reginalde Pole’ for the cardinal, and it was sung on 2 December 1554 in St. Paul’s Cathedral, when high mass was sung (the choir being under the direction of Sebastian Westcott), with Bishop Gardiner as preacher. The motet is included in de Lassus’s volume of motets, published at Antwerp in 1566. This great composer’s visit to England lasted only three months, as he was in Antwerp in February 1555. It may be added that, as pointed out by Mr. J. F. R. Stainer,¹¹ one of his songs, which is in a manuscript in the collection of the Music School of Oxford, now in the Bodleian Library,¹² is set to English words, ‘Monsieur Mingo’, the concluding line of which, ‘God Bacchus do me right’, &c., is quoted by Shakespeare in *Henry IV*.

In 1550, and again in June 1552, commissions were issued for ‘impressing’ children for the Chapel Royal—the former directed to Philip van Welder, and the latter to Richard Bowyer. Comparing the list of the chapel at the close of the reign of Edward VI in 1552 with that of Queen Mary in 1554, there is scarcely any difference. While, however, there were twenty-eight suits of mourning given out for the gentlemen of the chapel at the funeral of Edward VI in 1553,¹³ there were thirty-one suits of livery ordered on 17 September for the coronation of Queen Mary: thirty-one new liveries were in fact given out, and presumably worn, on that occasion on 1 October.

The following is the official list of the Chapel Royal in 1554, copied by Mrs. C. C. Stopes from the Exchequer Rolls (427 (5) 10), and published by her in 1905:¹⁴

¹⁰ De Lassus’s oldest biographer, Van Quickelberg, who was a contemporary, distinctly says that the great composer ‘visited England and France’ in 1554, ‘with Julius Caesar Brancaccio’; see Pantaleon’s *Heroum Prosopographia*, 1565.

¹¹ *Musical Times*, 1902, pp. 100–1.

¹² There is a bust portrait of de Lassus in the Oxford Music School: see Mrs. R. L. Poole’s ‘The Oxford Music School’ in the *Musical Antiquary*, iv. 145, April 1913.

¹³ *Archaeologia*, vol. xii, p. 372.

¹⁴ *The Athenaeum*, 9 September 1905.

The Chapel

The Bishop of Norwich ¹⁵	Dean of the Chapel.
Emery Tuckfield	} Priests.
Nicholas Archibald	
William Walker	
Robert Chamberlain	
William Gravesend	
John Angell	
Mr. John Singer	Gospeller Priest.
Richard Bowyer ¹⁶	Master of the Children.
William Huchins ¹⁷	} Gentlemen of the Chapel, each of them 7½ <i>d.</i> a day.
Robert Richemont ¹⁸	
Thomas Wayte ¹⁹	
Thomas Byrde ²⁰	
Robert Perry ²¹	
William Barbour ²²	
Thomas Tallis ²³	
Nicholas Mellowe ²⁴	
Thomas Wright ²⁵	
John Bendebow ²⁶	
Robert Stone ²⁷	
John Shepherd ²⁸	
William Mauperly ²⁹	
Richard Edwards ³⁰	
Robert Morecock	
William Hunnis ³¹	
Richard Aleworth	
Thomas Palfreyman ³²	
Roger Kenton	
Lucas Caustell ³³	
Richard Farrant ³⁴	
Edward Adams ³⁵	

¹⁵ Thomas Thirby, who was translated to Ely on 21 June 1555. He was deposed by Elizabeth on 5 July 1559, and died a prisoner in Parker's house on 26 August 1579.

¹⁶ Bowyer, as is recorded on his tombstone in Old Greenwich Church, was Master of the Children under Henry VIII, Edward VI, Mary, and Elizabeth; in reality, from 1545 till his death on 26 July 1561. He wrote the tragedy of *Appius and Virginia*, and gave the cue for 'tragicall comedies', but was chiefly celebrated as a choir-trainer.

¹⁷ Huchins, or Hychyns, was a composer as well as a singer. His death occurred on 9 November 1568.

¹⁸ Richemont, Barbour, and Wright were gentlemen of the chapel at the coronation of Edward VI: see H. C. de Lafontaine, *The King's Musick* (1909), pp. 7, 8.

¹⁹ Wayte was organist of Westminster Abbey from 1559 to 1562.

²⁰ Byrde was father of the celebrated William Byrd.

²¹ Perry was a gentleman of the chapel in 1529: Nagel's *Annalen der Englischen Hofmusik* (1894), p. 17.

²² See note 18.

²³ Thomas Tallis, styled 'Father of English Cathedral Music', was organist of

Robert Buncock	}	Sergeant of the Vestry.
Thomas Causton ³⁶		
Richard Lever		
John Denman ³⁷		Select Singers
Walter Thirlby ³⁷		at 3 <i>d.</i> per day each.
Morris Tedder ³⁸		
Hugh Williams		40 <i>s.</i> a year.
xii children of the Chapel.		

The total salaries for court musicians under King Edward VI was £2,209 0*s.* 5*d.* a year; under Queen Mary it was £2,233 17*s.* 6*d.*, of which sum the singers cost £469 3*s.* 4*d.*, while the three players

Waltham Abbey from 1534 to 1540. He retained his post as gentleman of the chapel till his death on 23 November 1585.

²⁴ Mellowe and Bendebow were noted singers.

²⁵ See note 18.

²⁶ See note 24.

²⁷ Robert Stone, who harmonized Cranmer's *Litany*, lived to receive mourning livery in 1603.

²⁸ John Shepherd was organist of Magdalen College, Oxford, from 1542 to 1547, and became Mus.D. in 1554. His masses, motets, &c., are of high value. He died in 1563. Among the New Year's gifts to Philip and Mary on 1 January 1557, 'Shepherd of the Chapel' presented 'three rolls of Songs'. Much of his Latin church music in manuscript in Christ Church, Oxford: see G. E. P. Arkwright's *Catalogue of Music in the Library of Christ Church, Oxford*, part i, 1915.

²⁹ Mauperly was an old retainer. On 8 December 1553 he received a warrant for livery as 'a server of our Chamber and our ordinary singer'. His name is also spelled 'Maperleye': Lafontaine, p. 9.

³⁰ Edwards is one of the most considerable figures in the history of the drama before Shakespeare. He was a student of Christ Church, Oxford, in 1547, and was Master of the Children of the Chapel Royal from 1561 till his death on 31 October 1566. His plays of *Damon and Pithias* and *Palemon and Arcite* were performed before Elizabeth in 1565 and 1566.

³¹ Hunnis was a composer, choirmaster, and play producer, and was Master of the Children of the Chapel from 1566 till his death on 6 June 1597. See Mrs. C. C. Stopes, 'William Hunnis and the Revels of the Chapel Royal', in *Materialien zur Kunde des älteren englischen Dramas*, vol. xxix (1910).

³² Palfreyman appears as a member of the domestic establishment of Queen Mary in 1558, as quoted by Collier; see Nagel's *Annalen*.

³³ Caustell and Adams were noted singers under Edward VI. Both received fees in 1552 as members of 'The Chappell': see the *Catalogue of Manuscript Music in the British Museum*, iii, 469, 482.

³⁴ Farrant was a remarkable composer, choir-trainer, and dramatist. He was a member of the chapel under Edward VI and Queen Mary, and was Master of the Children of Windsor from 1564 to 1569, but in the latter year he returned to the Chapel Royal. In December 1576 he opened the Blackfriars Theatre for the queen's boys. He died on 30 November 1580: see *Proceedings of the Musical Association*, 1914, p. 129.

³⁵ See note 33.

³⁶ Causton was a composer whose works ought to be better known. He wrote some interesting Latin services, including a *Te Deum* and a *Benedictus*, now in the British Museum (Add. MS 31,226). He died on 28 October 1569. Henry Davey suggests that he was the composer of the anthem, 'Rejoice in the Lord', but from internal evidence this seems unlikely: see Dr. Ernest Walker's *Hist. of Music in England*, pp. 37, 47.

³⁷ The names are also written 'Denham' and 'Thirleby' in the Chapel Accounts of 1552: *Cat. of MS. Music in Brit. Mus.* iii, 487, 535.

³⁸ This name also appears as 'Morrison Tedder': *ibid.* 535.

on the virginals (John Heywood, Anthony Countie, and Robert Bowman) received an annual fee of £92 11s. 8d.³⁹

There is still preserved a printed duodecimo volume, entitled, *A Godly Psalme of Mary Queene*—a sacred song of forty-four quatrains—written and composed by Richard Beard, rector of St. Mary-at-Hill, 1553, published by William Griffith in London, 'a little above the Conduit', the first verse of which runs as follows :

A godly psalme of Marye Queene
Which brought us comfort all,
Thro' God Whom we of duty praise,
That gave her foes a fall.

Another sacred song of thirty-six stanzas, sung before the queen on St. Nicholas's Day and on the Feast of Holy Innocents at St. James's in 1555, was written by Hugh Rhodes, a gentleman of the Chapel Royal, also known as the author of *The Boke of Nurture or Schoole of Good Manners*. A third song in honour of the queen was written by the Rev. William Forest, one of her chaplains, and was entitled *A new Ballade of the Marigolde*, which is said to have been sung to the fine air now familiarly associated with 'The Leather Bottel'. One of the verses is here given from the copy preserved in the Library of the Society of Antiquaries :

The God above for man's delight
Hath here ordayned every thing,
Sun, Moon, and Stars shining so bright,
With all kind fruits, that here doth spring,
And flowers that are so flourishing ;
Among all that which I behold
(As to my mind best contenting),
I do commend the Marigolde.

Forest was a good musician, and to his industry is also due the collection of many valuable contemporary compositions by Fayrfax, Marbeck, Tye, Taverner, Shepherd, and Norman, still preserved in the Library of the Music School at Oxford.

Although John Heywood did not belong to the Queen's Chapel, he held office at court during the reigns of Henry VIII, Edward VI, and Queen Mary, and was not only a capable singer and musician, but was also famed as a man of letters. He was a minor canon of St. Paul's Cathedral, and trained many of the 'singing children' to perform his own interludes. Through religious scruples he fled to Louvain in 1566, and in 1576, although an octogenarian, was admitted to the Jesuit College at Antwerp.

³⁹ *Musical Antiquary*, iv. 58.

He died at Louvain in 1578, and his two sons, Ellis and Jasper, became Jesuits.

Truly, Queen Mary could boast of a galaxy of musical talent in her Chapel Royal. Tallis alone was capable of holding his own with giants like de Lassus and de Monte, and his exquisite motet, 'O Sacrum Convivium' (which has been anglicized as 'I call and cry') would be sufficient—apart from his higher flights—to put him on a plane with the best of Italian contemporaries. Dr. Ernest Walker, in appraising the works of Tallis, says that 'O Sacrum Convivium' is such a gem that 'it is doubtful if Palestrina himself ever surpassed it'.

W. H. GRATTAN FLOOD.

The Graves of Swift and Stella

ABOUT the position of Swift's grave there is no doubt. He was buried on the south side of the nave of his cathedral, beside the second pier from the western door. The coffin, as I have been told by the only person now living who has seen it, lay east and west, and almost in contact with the pier.¹ But contradictory statements have been made regarding the resting-place of Stella. Mr. W. Monck Mason, whose intimate knowledge of Swift and of St. Patrick's need not be emphasized, declared in 1820 that she lay 'on the south side of the nave of St. Patrick's Cathedral at the foot of the second column from the western entrance'. And he added that the spot was then marked by her epitaph fixed to the pier.² Elsewhere Mason describes the position of Swift's grave in exactly similar terms.³ The two passages, if construed literally, can be reconciled only on the supposition that Swift's coffin was laid above Stella's in the same grave.

But fifteen years later a different tradition was current. In 1835, Dr. J. Houston, of Dublin, asserted that Swift and Stella lay 'side by side'.⁴ Sir W. R. Wilde endorsed this opinion,

¹ Dr. J. Houston, who saw the coffin in 1835, says that it lay 'transversely in from the pillar supporting [Swift's] tablet, and as close as it could be placed' (*Phrenological Journal and Miscellany*, ix. 604). What 'transversely in from the pillar' means I do not know.

² *St. Patrick's*, pp. 368, lix. It is not clear whether in Mason's time Stella's monument was on the same pillar as Swift's, or on the next pillar to the west. He writes, 'Next adjoining to the monument of Primate Marsh, is that of Dean Swift . . . ; and fixed in the column, next to this last, is a marble slab, consecrated to the memory of Esther Johnson.'

³ p. 411.

⁴ *Phrenological Journal and Miscellany*, ix. 604. So also J. Churton Collins, *Jonathan Swift*, 1893, p. 236; W. E. H. Lecky, *Prose Works of Swift*, 1897, introd., p. xci; and Leslie Stephen in the *Dict. of Nat. Biog.* lv. 222 (2nd ed. xix. 222). In accordance with this tradition brasses were laid on the floor of St. Patrick's in 1882, inscribed with the names of Dean Swift and Esther Johnson.

and built upon it the inference that Stella and the dean 'had long arranged the place of their burial'.⁵ Sir Henry Craik in like manner tells us that Swift had Stella's body 'placed where it might one day lie side by side with his own'. Thus both these writers suggest that it was Swift's intention that he should be buried beside Stella. But Sir Henry adds a foot-note which can scarcely be brought into agreement with his text: 'Quite recently', he wrote in 1882, 'a fresh excavation revealed a coffin which contained the bones both of the Dean and Stella.'⁶ In due time the natural conclusion was drawn from these words. The article on Swift in the eleventh edition of the *Encyclopaedia Britannica* (1911), by the late Dr. Richard Garnett and Mr. Thomas Seccombe, made the astounding statement that Swift 'was interred in his Cathedral at midnight on the 22nd of October, in the same coffin as Stella'.⁷ Meanwhile, in 1905, the admirable Guide to St. Patrick's, compiled by the present archbishop of Dublin while he sat in Swift's chair, had told us that Stella 'is buried two or three feet to the west of the spot where Swift lies'.⁸

Now it must be remarked that if Swift was buried by the side of Stella, or in her grave, this was not done in fulfilment of a desire expressed by him. We can appeal to evidence which has long been in our hands. In a letter to Mrs. Whiteway, nine years after Esther Johnson's death, 25 March 1737, he wrote, 'As soon as you are assured of my death, whether it shall happen to be in town or the country, I desire you will go immediately to the Deanery; and if I die in the country, I desire you will *send down a strong coffin*, to have my body brought to town, and deposited in any dry part of St. Patrick's Cathedral'.⁹ The words which I have italicized in this extract show that Swift did not wish to be interred in Stella's coffin. But more, the whole passage proves that he did not desire that his grave should be near hers. In those days St. Patrick's was notoriously damp. The river Poddle flows underground outside the western door, and the building is intersected by a stream which runs northwards, under the floor, to the west of the choir. Until recent times it was a not rare occurrence that the floor should be under water. Nowhere could 'any dry place' be found except to the east of the crossing. If Swift's instructions had been carried out he would have been buried at least 150 feet to the east of Stella's grave. In view of his own words it can hardly be main-

⁵ *Closing Years of Dean Swift's Life*, 1849, second edition, p. 120.

⁶ Craik, *Life of Swift*, 1882, p. 405. Both text and note remain unchanged in the edition of 1894, vol. ii, p. 141.

⁷ *Encycl. Brit.* xxvi. 230.

⁸ J. H. Bernard, *The Cathedral Church of St. Patrick*, p. 64.

⁹ Scott, *Memoirs of Swift: Prose Works of Scott*, vol. ii (1834), p. 489.

tained that he selected the place of her burial with the intention that he should lie beside her.

But it may be well to set out the facts for which there is documentary evidence. In the first place it is certain that Esther Johnson was not buried beside Swift. Here are two entries in the register of St. Patrick's Cathedral :¹⁰

Jan. 30th 1727. Esther Johnson interr'd in the great Isle near the first Pillar upon the entrance to the Church to the South Side of the West gate.

The Revd. Doctr. Jonathon Swift Late Dean of St. Patrick's deceased Octr. the 19th 1745 ; and was interr'd the 22nd of the same, at the 2d pillar from the west gate in the south side of the great isle.

Each entry is attested at the foot of the page by the signature 'Jon. Worrall', a name well known to all students of Swift. They prove that Stella's grave is under the first, not as Mason said the second pier of the nave, some 10 feet to the west of Swift's, at the east end of the present site of the Cork monument. Mason's error may be due to a mere slip of the pen, or he may have been misled by Stella's monument having been attached to the wrong pier.¹¹

Now in 1835 certain alterations were made in the cathedral, in the course of which some coffins were exposed to view ; and among the rest, Swift's, and another adjoining it, which was described as Stella's. In that year the British Association held its meetings in Dublin from Monday, 10 August, to Saturday, 15 August. A 'corps of phrenologists' who were there at the time asked and obtained from the dean of St. Patrick's, Henry Richard Dawson, permission to examine the skulls. They were accordingly exhumed in the presence of Dr. Houston on the 3rd of August. It appears that some persons doubted whether they were really those of the great dean and Stella. Houston wrote a letter, which was subsequently published,¹² to prove their 'authenticity'. Swift's coffin-plate, which remained almost intact, demonstrated the identity of one of the skulls. But Houston produced no such evidence for the position of Stella's grave. He relied mainly on the testimony of the sexton, William

¹⁰ Edited for the Parish Register Society of Dublin in 1907, by Dr. J. H. Bernard.

¹¹ Stella's epitaph is of uncertain date ; but it was probably composed after Swift's death. It is possible, therefore, that it was originally misplaced. Or it may have been removed from the first to the second pillar at some subsequent time. It is now on the wall of the south aisle of the nave.

¹² *Phrenological Journal and Miscellany*, ix. 603 ff. The letter is dated 22 October 1835. It is worth noting that at least two well-known men were filled with 'horror' at the desecration of the graves. See the letters of Aubrey de Vere and Sir W. R. Hamilton, written in September and October 1835, in Graves's *Life of Hamilton*, ii. 162, 164.

Maguire, who was believed to have been 'oftentimes' informed of its situation by Swift's servant, Richard Brennan, who had died forty years earlier. Such evidence was of little value. Brennan was probably a mere child when Stella died, and at the time of his death Maguire was only fourteen years old.¹³ There is therefore serious reason to question his conclusion that the second exhumed skull was Stella's.

But on one point Dr. Houston's letter is important. It contains a minute record of the disposition of Swift's bones when the coffin was opened. No one can read it without being convinced that in the coffin were deposited the remains of the dean and of no other person. Stella's dust was not mingled with Swift's in 1835. For the more indecorous proceedings of the ten days which followed the exhumation the reader may be referred to the graphic and, it is to be hoped, somewhat exaggerated account in Wilde's *Closing Years of Dean Swift's Life*. It will suffice to say that casts of the skulls were made which are preserved in the anatomical museum of Trinity College, Dublin, and elsewhere. On 13 August the skulls were returned to St. Patrick's Cathedral,¹⁴ and apparently it was left to the sexton to reinter them. But Maguire did not deem it to be his duty to restore them to the places where they were found. Both were put into Swift's coffin.

Evidence of this fact was discovered half a century later.¹⁵ In 1882 the floor of the cathedral was tiled. When the old flags were taken up, Swift's remains were once more exposed. In his coffin were found the two skulls, and a paper on which the following sentences were written, according to a copy made at the time by Mr. John Lambert, then assistant-sexton, now sexton, of the cathedral :

¹³ Brennan was old enough in 1742 to make an affidavit. See F. E. Ball's *Correspondence of Swift*, vi. 179. He seems to have been the Richard Brennan whose children were baptized at St. Patrick's between 1745 and 1759. He was for many years beadle of the cathedral. He was incapacitated by age and infirmity in June 1795, and died a year later. William Maguire was born on 14 January 1782, was appointed sexton in 1810, and died 28 June 1844. The account given of him by Dr. Houston produces the impression that he was a witness who ought to have been cross-examined. It may be remarked that Houston's own statements about the position of Stella's coffin are not consistent. In one passage (*Phren. Journ.*, ix. 607) he says that it was 'in the same relation to the pillar bearing the tablet to her memory as that of the Dean'. This seems to imply that the two slabs were fixed on different piers, and if so it is probably correct. But howsoever interpreted, it contradicts his previous assertion that Swift and Stella lay side by side. Houston's recollection of what he had seen and heard two months before he wrote may have been somewhat blurred.

¹⁴ It is said that they were examined 'on the 16th August [Sunday] at the house of Dr. Marsh' (*Phren. Journ.*, ix. 466). Mr. Hamilton, quoted by Wilde (p. 55), declares that they were in his possession in September. Both dates may be rejected. See below.

¹⁵ Wilde was unaware of it. He writes (p. 120), 'The skull of Stella was restored to its former, and we hope last resting place at the same time as Swift's'.

Copy from a paper found in a bottle in Deans Swift grave. Sept. the 1st 1882.

Aug. the 3rd 1838.¹⁶

Doctor Swift grave was opened This day by the British Association¹⁷ who Got Permission from the Dean. They were holding there Meeting in Dublin. The Scull of Swift was in two as it now appears having been opened after his Death to examine the Braine.

On the other Side of the Paper is the following additional writing.

Stella's Scull was taken out of the adjoining [adjoining] Grave and is now Deposited with Swift.

WILLIAM MAGUIRE Sexton. 13 August 1835.

Thus far Mr. Lambert copies Maguire's memorandum. He then proceeds on his own account :

In Swift Scull was found the Bottle containing the paper. It was Sealed with red wax and had the arms of the Maguire famley impresed on it. it was inside Swift Scull, it had been in to part. I have seen Dean Swift grav opened and the two Sculls of Swift and Stella, and the remains of what was left of Swift. The Coffin was cleaned of the Mud and water that was in it And a box Made by a Carpenter who was working at the time in the Cathedral. And the two Sculls, and the remains of Swift put in the box. And from two to three feet of Concrete put over it. I suppose Never to be opened Any More until the Great Day.

At the same time i did ask the Verger Mr. Cornegie to get a Nother Bottle while the Grave was opened and to write on a paper what took place at the time and put it in the Box with Swift. but he took to long to Make up his Mind and the grave was closed it May be for ever. I would have put a bottle and Paper in with the remains of Swift. Something about what took place at the time. but he the Verger would not Consent.

JOHN LAMBERT,

Assistant Sexton.

1 Sept. 1882.

In justice to an old friend I must point out that Lambert had only a subordinate part in this transaction. He tells me that Swift's bones were deposited in the box to protect them from being scattered. The box was placed in the coffin, which was not disturbed. The coffin was much decayed, and the plate had disappeared. Mr. Lambert's memorandum is apparently the only existing evidence of Sir Henry Craik's 'excavation' which revealed 'the bones both of Swift and Stella' in the same coffin. The legend that Swift was buried in Stella's coffin has no foundation.

H. J. LAWLOR.

¹⁶ A slip of the transcriber for 1835.

¹⁷ The British Association is here confused with the phrenologists who met in Dublin at the same time. Aubrey de Vere made the same mistake in his letter of 10 September 1835, referred to above. In his reply, Sir W. R. Hamilton acquits the Association of any participation in 'that inhuman act'. There is no reference to Swift in the proceedings of the British Association for 1835.

Reviews of Books

Church and State in England to the Death of Queen Anne. By HENRY MELVILL GWATKIN, D.D., late Dixie Professor of Ecclesiastical History, Cambridge. With a preface by E. W. WATSON, D.D., Regius Professor of Ecclesiastical History, Oxford. (London: Longmans, 1917.)

AT Dr. Gwatkin's death he left this book, written (as we learn from Dr. Watson's preface) at various intervals during the course of some years, still in manuscript, and every one who knows how much a book often owes to its author's final revision of it while in that state, and to his corrections and other emendation of it while passing through the press, will understand that this history should not be taken as in all respects representing its distinguished author's erudition. Had opportunity been given him he would, doubtless, have removed many blemishes; some lapses might have been retrieved, some omissions supplied, some judgements reconsidered, and fuller advantage taken of the latest results of historical inquiry. But here we have to consider the book as it stands, not what it might have been had the author been spared to see it through the press. It is written with vigour, indeed in places with somewhat thoughtless energy, and it is decidedly readable, provided that the reader knows enough history not to be puzzled by its frequent allusions. The author seems to have been more at home in the later portion of his subject than in early and medieval times; his evidently strong sympathy with the protestant and puritan movements made the ecclesiastical affairs of the sixteenth and seventeenth centuries especially attractive to him. He is unsparing in condemnation, calling in question even the 'purity of mind' of Charles I and accusing Laud of 'stupid pedantry'. On the other hand, he writes with pleasant and warm appreciation of men of various schools of thought whose characters appealed to him. On the whole his portraiture has much truth in it, but its dark parts are too unrelieved. His point of view in ecclesiastical matters is easily discernible: all that was of Rome, since the earliest days of the church, was evil, and legal restraint on the exercise of the liberty of the individual in matters of religion generally to be condemned.

The book leaves the reader in some doubt as to its design: if, as the title suggests, it was intended to trace the relations between church and state, some of its contents, especially those concerning civil affairs, are irrelevant, and there are strange omissions, such as that of the refusal of convocation to transact business until William of Wykeham was enabled

to be present. The notices of civil history are not illuminating, and some seem ill considered; among them that 'the reign of Richard II was in large part the struggle of Henry of Derby with the crown', that political reasons had little to do with the peace with Spain in 1604, and that when Charles (II) invaded England in 1651 'nobody joined him': the earl of Derby, though his following was small, was not a nobody. As the whole history before the Norman conquest is disposed of in thirty-six pages, it would scarcely be worth while to notice such a summary were it not that it affords two instances of an apparent neglect of the results of modern scholarship: the story of King Lucius has been shown by Harnack to be almost certainly not a 'legend' but a mistaken piece of genuine history,¹ and the account given of the origin of the parochial system has, as Dr. Watson points out, long been exploded. Later on, if the author had read Mr. J. H. Round's *Feudal England*,² he would scarcely have described the cause of Becket's dispute with the king in 1163 as 'obscure'. That the 'guiding principle' of John's Great Charter was that the king is 'subject to the law' has been controverted successfully by M. Petit-Dutaillis, and the assertion that 'papal interference' in the early part of the fourteenth century aggravated the evil of pluralities would scarcely have been made if the writer had given attention to Maitland's essay on '*Execrabilis* in the Common Pleas'.³ No one doubted that the pope had a right to legislate for the church, or held that he was 'meddlesome' (to adopt a word freely used here in this connexion) when he did so, and in accordance with that right John XXII issued a constitution against pluralists and acted effectively upon it. Again, it is clear that the conclusions arrived at by the late Mr. Leach and Professor Pollard as to the effect on education of the dissolution of the chantries must have escaped the writer's notice.

Religious prejudice appears with annoying frequency. For instance, we are told that no reform of the catholic church in its head and members was possible to the fifteenth century, because it held a false doctrine about the efficacy of good works. Did it then abandon this doctrine before the period of the so-called 'counter-reformation'? Its marriage laws are spoken of with great severity: 'Nobody could ever be sure that he was living in lawful marriage' (p. 74), 'the church kept all marriages uncertain for the sake of gain' (p. 131), and it was not until the reign of Edward VI that this 'demoralizing uncertainty' was checked in England (p. 184). After the accession of Henry VIII, ecclesiastical history is treated at far greater length than before, but though the treatment is more minute the lack of revision is not less apparent. *The Institution of a Christian Man* is represented as acknowledging three sacraments only. This is a peculiarly unfortunate slip, for historically the chief point of interest in the *Institution* lies in the fact that it restored to their former place the four which had been omitted in the Ten Articles published by the king's authority the year before. Dr. Watson tells us that some 'obvious lapses of the pen' have been corrected; it is unfortunate that this lapse was not obvious to the corrector, and there is a fair crop of

¹ See *ante*, xxii. 767 ff.

² pp. 497 *seqq.*

³ *Canon Law in England*, pp. 148 ff.

misprints in the early pages of the book, where we find 'Politus' for Potitus, 'Lindhard' for Liudhard, 'Peretarit' for Perctarit, and Waverley described as in Hampshire. Not to be classed among mere slips is the statement that in the Act of Supremacy Elizabeth strongly asserted 'the principle of English law that the competence of parliament covers faith . . . without regard to convocation'. Elizabeth was not apt to magnify the competence of parliament in ecclesiastical affairs, but the Supremacy Act provides that her commissioners should not determine heresy except in accordance with previous determinations or with respect to such matters as should thereafter be so determined by parliament 'with the assent of the clergy in their convocation', words actually quoted by the author on an earlier page. With much that is said about the harsh treatment of the puritans no one will disagree, but the argument that 'plainly something was wrong' with the church because certain 'serious and earnest men' engaged in what is admitted here to have been a disloyal scheme against it, implies a doctrine subversive of all law. The writer is not always fair to the men whose duty it was to establish order in the church; it is incorrect to say that when Whitgift became archbishop the court of high commission was 'reorganized', presumably in order to enable him to strike more hardly at the puritans. The accession of a new primate necessitated the issue of a new commission, but it was expressed in the same form as that issued to Grindal and others on 23 April 1576. It is hard too on Bancroft to accuse him of having caused the first serious schism by his enforcement of subscription to the articles imposed by the new canons, for he acted under pressure from the king and the council, and certainly showed no desire that objectors should be harshly dealt with. Dr. W. H. Frere has adduced good reason for believing that the number of those actually ejected from their benefices was far less than 'some three hundred', as stated here. The Commonwealth, under which term this book includes the protectorate, was 'a noble failure', and it failed because the puritans 'trusted in an arm of flesh', but this introduces considerations foreign to historical inquiry. Enough has probably been said to show that this book, as it stands, is unworthy of the author's reputation.

W. HUNT.

History of the Abbey of St. Alban. By L. F. RUSHBROOK WILLIAMS.
(London: Longmans, 1917.)

THE preface of this work is dated 1914, and there is evidence in the author's entertaining 'Lectures on the handling of Historical Material' that he has spent a good deal of time on the study of the St. Albans Chronicles. It seems, however, to have been revised since the preface was written, as it contains references to a then unpublished volume of the 'Victoria County Histories'. The avowed object of the book is to present a summary and balanced account of the history of the abbey. On the whole, Mr. Williams may fairly claim to have succeeded, although he passes somewhat lightly over the architectural history of the buildings, and bestows more than proportionate pains on the history of the library

and the 'scriptorium'. His avowed preference is for Chronicle evidence, but the book is well provided with references to records.

Unhappily the confidence of the reader is shaken by some lapses from accuracy in detail. Thus, in dealing with the legend of St. Alban (of which Mr. Williams published a special study in 1913), we are informed that 'St. Germanus . . . dedicated a church to him'. The references given are 'Bouquet, "Recueil des Historiens", 172',¹ which is insufficient, and 'Haddan and Stubbs, "Councils", i. 6', which gives the account of St. German's visit to Britain, but does not mention the dedication of a church to St. Alban. A page or two further on the account of this pilgrimage is stated to be an interpolation in the life of St. German, not earlier than the end of the sixth century. We are not told, however, that the statements that St. German went to Britain to do honour to St. Alban, and returned safely by favour of St. Alban, are contained in the Silos MS. of the life of St. German by Constantius, and that only the details of the exhumation of St. Alban and the gift of relics by St. German are interpolated. The point is a trifling one, but this looseness of statement is disquieting. Mr. Williams does not appear to have read Mr. W. R. Lowe's interesting paper on churches in France dedicated to St. Alban;² nor has he utilized the researches of Professor W. Meyer (in the *Abhandlungen* of the Royal Society at Göttingen for 1905) carrying back the *Passio* of St. Alban to the early part of the sixth century, and referring its origin to mid Gaul.

Again, on pp. 119, 120, we have a story extracted from the 'Gesta' of how the abbey offended Edmund, son of Henry III, whom Mr. Williams calls 'Edmund of Langley', borrowing the name usually appropriated to the son of Edward III, and compounded the offence by creating a corrody for one of his men. 'For nearly a century this corrody continued to be a charge upon the House, until in 1364 it was at last commuted for certain lands in Langley.' On examining the passages cited, we find that the corrody commuted in 1364 was the customary corrody claimed by the king in all houses of his foundation or advowson, nor does there seem any reason to suppose that the corrody granted to William de la Rue in the declining years of Abbot Roger lasted any longer than the life of William himself, or at all events that of Edmund of Lancaster. Again, Mr. Williams says that Abbot 'Wulsin' 'built three churches to guard the three gates of the town' (p. 26), and adds in a foot-note, 'This looks as if the Abbot built a wall round the town'. For this period the 'Gesta' appears to be the sole authority. But it contains no mention of 'gates', merely stating that the three churches stood respectively north, south, and west of St. Albans, as indeed they still do. It looks accordingly as if the inference rested solely upon an inaccurate recollection of the statement in the 'Gesta'.

In the same way the statement (p. 14) that 'No trace can be found in the Papal registers of Offa's alleged visit to Rome' seems to imply a momentary oblivion of the fact that no 'Regesta' of that time are

¹ This should be x. 172 and refers to a mention in a chronicle, under the date 1025, of the church of St. Alban at Auxerre as having been built by St. German.

² *Proc. of the Soc. of Antiq.*, 2nd ser., xxvii. 58-67.

preserved in the Vatican archives, and that the collections of Jaffé and Potthast are derived from scattered originals and entries in cartularies throughout Europe, and can lay no claim to completeness. A similar lapse of memory has caused the author to attribute (p. 149) Froude's *Short Studies* to Freeman, an unintentional outrage which might well disturb the repose of both those historians. A more serious mistake is the ascription (p. 203) to Henry VI of Edward IV's grant to the abbey of the right to appoint its own justices of gaol-delivery, with the comments, which show a complete misconception of the character of the privilege, one by no means peculiar to St. Albans.

It would be unfair to judge the whole work by these instances. It has many merits. Mr. Williams is temperate in his estimate of garbled charters, though hardly so conservative as Mr. G. J. Turner in his *Black Book of St. Augustine*, and has some sensible remarks on the account given by Matthew Paris of the Saxon abbots, which he is indisposed to reject as purely imaginative. He has compressed into a reasonable compass an exceptionally large volume of material, and always keeps his eye on the essential features of the history of the abbey. The lay reader, to whom his book is addressed, would perhaps have welcomed a fuller description of the normal life of a Benedictine house, and a further discussion of its relation to its dependent priories, and the serious student cannot help regretting the omission of an index.

C. JOHNSON.

Calendar of the Liberate Rolls preserved in the Public Record Office. Henry III. Vol. I, A. D. 1226-40. (London: His Majesty's Stationery Office, 1916.)

THIS volume begins a new series in the calendars of Chancery records prepared under the superintendence of the Deputy-Keeper of the Records. In the preface Mr. C. Johnson makes an important correction with regard to the rolls classified as Liberate Rolls. Of the 148 rolls so classified, the first three—those namely for the second, third, and fifth years of John—are not of the same nature as the others, but in reality are the beginning of the series known as Close Rolls. They have been printed in full in 1844 in the *Rotuli de Liberate ac de Misis et Praestitis regnante Iohanne*, edited by Sir T. D. Hardy. The fourth roll, though entitled *Liberate anno 10 R. H. 3*, is actually a duplicate of mm. 29-22 of the Close Roll of that year. Thus the series of Liberate Rolls properly so called begins with the eleventh year of Henry III (1226). It was formed by removing from the Close Roll certain classes of writs employed in ordering or warranting expenditure, and entering these on a separate roll. These writs were also enrolled at the Exchequer in a somewhat different form—either in the Exchequer Liberate Rolls (of which only three exist for the period of this volume, and which form the beginning of the Issue Rolls of the Exchequer of Receipt), or in the Memoranda Rolls of the Upper Exchequer, and in the Pipe Rolls. The writs which were enrolled in the Liberate Rolls of the Chancery are those of *Liberate*, *Allocate*, *Compute*, and *Computabitur* or '*Contrabreve*'. The formulae of all these are given in the preface. The writs of *Liberate*, or warrants for the issue of money, are addressed

to the Treasurer and Chamberlains (or occasionally to the Constable of the Tower of London), the writs of *Allocate* and *Compute*, or warrants to acquit accountants, to the Barons of the Exchequer, and the writs of *Computabitur* to the individual accountants, chiefly sheriffs: counterparts of the last class of writs were kept at the exchequer, and hence the term *contrabrevia* was reserved for them.

The text, for which Mr. W. H. Stevenson is responsible, is given in English, not as in the case of the earlier volumes of the Patent and Close Rolls of Henry III in the original. The preparation of it must have been a task of exceptional difficulty; for though the rolls generally are well preserved, the number of obscure words is extraordinary. A 'list of rare words and of words with rare meaning' is printed at the end of the volume, but this only includes a fraction of the puzzles which Mr. Stevenson has met and for the most part solved in the text. The Latin has been given in brackets in all cases where the translation was doubtful, and archaeological experts may be able to throw light on some of the obscurities, which appear to be most numerous in the domain of architecture. One is inclined to doubt whether 'watch-tower' can be the correct translation of *eschiva* (p. 193), on finding that an *eschiva* was to be made and placed in the cellar of Rochester Castle (p. 207). 'Gingeb' in the list appears in a less abbreviated form on p. 71 as 'gingegrad'. The oft-mentioned 'oboli de musc'—or in one place 'oboli musse' (p. 246), or 'oboli Muc' (p. 366)—remain unexplained: they cost about 1s. 3d. each. There is also a 'pannus de Musc' (p. 356), and 'pennies de Musc' (p. 501). Some strange words turn out to be English or French words latinized, such as 'alea' (passage, p. 272), 'bermanni' (porters, p. 387), 'brecka' (breach, p. 366), 'kabra' (rope, p. 383), 'kanevacium' (canvas, p. 383), &c. Many other words omitted from the list seem rare enough to have been included, such as 'scorz' (cork, p. 2), 'hachiis' (hatchets, p. 3), 'cleie' (hurdles, p. 7), 'sperun' (screen, p. 316).

The matters treated in the writs are as numerous and varied as the objects on which a medieval king could spend money, and range from diplomacy and war to the repayment of half a mark which the king borrowed from one of his officers, 'ad opus episcopi puerorum', on Innocent's Day (p. 64), or the purchase of chains and other things for the use of the king's lion (p. 457). There is a great deal of valuable information about wages. Many entries refer to building operations and the decoration of the royal palaces. The hall of Windsor Castle was to be adorned by a painted map of the world (p. 405). Some early references occur to king's scholars at the university (pp. 44, 212, 243, 275, 291). The range of subjects is shown and research greatly facilitated by an admirable index of subjects which, like the index of persons and places, has been compiled by Mr. C. T. Flower. A few omissions in the subject index may be noted: under ecclesiastical matters, p. 610, 'friars minors, chapters of', *add* 331; under religious houses named (p. 628), 'Northampton, friars preachers of', *add* 403, 413; and 'Stamford, friars minors, chapter of, at', 408. On p. 633, 'ginger cake', 81—*read* 71. Under 'wardrobe, keepers of the' (p. 634), a cross-reference to the index of persons and places would have been more helpful than the reference '241-504 *passim*'. In the

text there is clearly an error on p. 234, where 5*l.* 2*d.* is given as the price of 100 pairs of shoes at 7*d.* a pair.

Though the entries relate almost entirely to payments of money, there are a few unexpected entries of other sorts : e. g. the summoning of witnesses to prove that the prior of Norwich is of servile condition (p. 299) ; the names of the Welsh princes who did homage in 1240 (p. 477) ; and the bringing up to London of a heretic in the hands of the friars preachers of Cambridge (p. 485), probably the heretic mentioned with some detail by Matthew Paris, *Chron. Maiora*, iv. 32.

A. G. LITTLE.

The Estate Book of Henry de Bray of Harleston. Edited by DOROTHY WILLIS. (Camden Third Series, XXVII.) (London : Royal Historical Society, 1916.)

THE *Estate Book of Henry de Bray*, who died about 1340, is a volume of unusual interest. It seems to be unique as the account compiled by a layman with legal training of his estate, the means by which it had been acquired, and the terms on which he held it. Besides much matter of general and genealogical interest, it is of value as showing how early enclosure had begun in Northamptonshire, the county in which it was to be most complete. Most of the book is concerned with the little parish of Harleston, near Northampton, of which a very full picture is given. In Domesday there had been four fees, which still survived as rather unprofitable superiorities, whose chief value must have been the possibility of escheat. We read little of villeinage ; the land was held for the most part by free tenants, and there was frequent sale of small parcels, for many of the half virgates, the normal holdings, had been broken into fragments. By a process of accumulation most of the land had fallen into three hands, Bray, Bulner, and the abbot of St. James, Northampton, each of whom held under all four representatives of the Domesday tenants. We are told in detail how Henry de Bray had acquired his share. Part was inherited, the rest gained by thirty exchanges or purchases, in which he dealt with nineteen sets of people. Miss Dorothy Willis, the editor, reckons that he held 495 acres, of which 250 were in demesne ; the other two estates were of similar size. Bray's land, apart from demesne, was let at rack-rents, the services, except in the case of the smaller tenants, being insignificant or absent. Hence he had to employ labourers, for whom, like a modern landlord, he built cottages.

The common is tending to disappear. As early as 1269 there is a deed whereby the commoners convey their rights of pasturage over a portion of it to the grandfather of Henry de Bray, and the latter was able to buy pieces of 'bruera', now held in severalty, but doubtless originally common land. Another symptom is an agreement of 1309, whereby Henry surrenders his right of pasturing bull and boar on the common in return for the right of enclosing a small part of common from the Purification to St. Peter ad Vincula every year ; in other words, of taking a hay crop. He could not have made this bargain had he not had other pasture, which can only have been subtracted from the common, on which the male animals could accompany his herds. When, as was doubtless

the case, the three chief landowners and also the rector had each his bull and boar at large, travellers at Harleston must have had adventures. Finally, by a deed which Miss Willis has not quite understood, the community in 1294 conveyed an acre, which can only have come from the common, to the rector, 'pro cordis campanarum sufficienter inveniendis'. This was not 'given by the community to provide funds for bell-ropes'. That, like every expense in regard to the church and its furniture outside the chancel, was incumbent on the parish, which relieved itself by paying the rector to take it upon himself. Unless the bells were numerous and hard rung, he made a good bargain. The church was rebuilt during Henry de Bray's lifetime, and he has left an account of the business. While the lay landowners made handsome special contributions, the abbot gave nothing, though he, like all others, would pay in accordance with his rated value. Nor did the patron, the prior of Lenton, contribute: but in his defence it may be said that he had no interest in the parish beyond the advowson, and his house never appropriated the rectory. The volume, which is well edited, annotated, and indexed, is full of manifold interest.

E. W. WATSON.

The Collegiate Church of Ottery St. Mary, being the Ordinacio et Statuta Ecclesie Sancte Marie de Otery Exon. Diocesis A.D. 1338-9. By J. N. DALTON, M.A., F.S.A., Canon of Windsor. (Cambridge: University Press, 1917.)

IN this sumptuous volume Mr. Dalton gives us in extraordinary amplitude of detail the history of a collegiate church. The collegiate churches of Europe, standing midway between monastic and strictly parochial corporations, were very numerous, and, with certain general features in common, very diverse in their individual constitution. Westminster Abbey was refounded as a collegiate church. St. George's, Windsor, has a history of its own. Southwell was collegiate before its refoundation as a cathedral, and many ancient collegiate churches exist in England which the legislation of the nineteenth century found, or left, more or less in a decayed condition in respect of their collegiate character. Examples will occur to all.

Ottery St. Mary enjoyed about two centuries of collegiate life. The vicarage of the parish church was suppressed by Bishop Grandison to clear the way for his new foundation in 1337. The college, unlike some others, was suppressed five years after the last monasteries by Henry VIII in 1545, and a new vicarage of the church was erected. The change has left its mark on local nomenclature. The vicar of Ottery lives at the 'Vicars' House' (plural, not singular), for the building is the old house of the vicars, eight of whom stood to the canons of Ottery as the twenty-four vicars choral stood to the twenty-four prebendaries of Exeter. The links of the present church of Ottery with its collegiate past are accordingly confined to the buildings and their names, first of all the beautiful church itself, then the different buildings which still survive round about it, the manor house on the north, the chanter's house to the north-west, and the

vicars' house on the south. Some other buildings have disappeared almost within living memory, and the chanter's house has been practically rebuilt by the same architect who less successfully restored the church about 1850. The church, and all that existing remains and other evidence can tell us of the collegiate buildings, furnish the theme of a great part of the present volume. But its nucleus is, as the title indicates, the body of statutes reprinted in full from the manuscript at Exeter (Cathedral Library, no. 3521) and from the Winchester Cartulary, vol. i, part 2, folios 98-114, and in part from the Register of Bishop Grandison. A full account of these sources is given by the editor (pp. 1-9). The whole is equipped with a most careful and instructive commentary, illustrating every point of interest.

The documents printed comprise the *Ordinacio primaria* and the statutes proper, mutually related somewhat in the fashion of a memorandum of association and articles of association in a modern public company. The *Ordinacio* lays down the fundamental constitution of the college and its personnel, and for this Grandison was careful to obtain papal sanction, and in addition the consent of the dean and chapter of Exeter. We have it both in the form of its original draft and as finally ratified. The statutes, embodying many points laid down in the *Ordinacio*, are directed to the details of the corporate and spiritual life of the foundation, descending from the highest solemnities of religious worship to the table manners of the schoolboys belonging to the choir. The editor's notes to every important point that arises in the text are delightful reading to any one interested in the life and work of our spiritual ancestors, and few will read them without gratitude for trustworthy information on many points. Mr. Dalton has wide and accurate knowledge, and if there are few who could have undertaken such a book as that before us there are fewer still who could have produced it anything like so well. Any criticism of points of detail by the present reviewer would be precarious and tentative as compared with the editor's calm sureness of touch; and as far as can be seen, on all matters of importance Mr. Dalton is a trustworthy guide. If a reviewer must find some hole, however small, to pick, we would suggest that the title priest-vicar (e. g. pp. 72, 146, 152) is out of place in a foundation where there were no lay-vicars. This was the case at Ottery all along. At Exeter the title 'priest-vicar' sprang into being with the introduction of lay-vicars in the reign of Edward VI. This, it may be remarked in passing, affected the constitution of the college of vicars choral, founded at Exeter by a charter of Henry V. The lay-vicars are for certain purposes members of the college, but for purposes of property and corporate action the priest-vicars alone constitute the college of vicars choral. At Ottery, however, no such question ever arose, and the vicars choral were vicars *simpliciter*.

In general the personnel constituted by Grandison in his ordinance and statutes corresponds with the normal type, which had its origin in the rule of Chrodegang at Metz. This rule had been soon extended to non-monastic clergy grouped into chapters, which differed from monasteries in the gradation of offices, and in the right of the members to private property. Many such chapters were in the eleventh century brought

under the Augustinian or Norbertine rule, and became bodies of 'canons regular'. But the more independent chapters were able to preserve their type. And it should be added that colleges of canons secular fitted more completely into the episcopal system of church government than did the regulars, who formed local branches of world-wide and privileged communities, increasingly exempt from episcopal jurisdiction.

Turning to the higher personnel of collegiate churches—the original head was the archdeacon, but before long his relation to the chapter becomes loosened, and we find, in addition to and over the three fundamental dignities (namely the precentor, the chancellor or scholasticus, and the treasurer or sacrist), the variously related (and frequently united) dignities of dean, arch-priest, and provost. At Ottery, Grandison substituted for the last-named dignity that of warden as the head of the chapter. Next to him and prior in dignity to the precentor or third canon, comes the minister as second canon, the warden being the first. Fourth in order the sacrist, corresponding to the treasurer in the cathedral church. Of these four senior canons the minister had charge of the parish with a priest to assist him. As canon he was exempt from, but as parish priest he was subject to, visitation by the archdeacon. It should be added that the four offices above named were incompatible with the holding of any other benefice with cure of souls.

Mr. Dalton gives us (p. 87) a very interesting calculation of the value of the revenues of the collegiate church compared with that of other religious houses in the diocese of Exeter. With the exception of the monasteries (in descending order) of Plympton (£912), Tavistock, Buckfast, Tor, Launceston, and Ford (£381), and of course with the important exception of the cathedral church (£1350), Ottery (£337 9s. 5d.) was the best endowed religious foundation in the diocese. These figures, of course, relate to the value of money at the times in question. Ottery was, in fact, very amply endowed by its generous founder, and he hoped that further endowments would in course of time flow in.

It is perhaps natural to find the great bishop preferring to found a collegiate church rather than a monastery at this date. But it is still more interesting to realize that Bishop Grandison's foundation of Ottery on collegiate lines was the work of a bishop who had to carry on a persistent battle (1328–58) with his cathedral chapter to secure a minimum of decency and reverence in the worship of the cathedral church, and of conscientious strictness on the part of the dignitaries in the performance of their religious and other duties. Evidently the bishop was confident in the vitality of collegiate institutions properly organized and supervised. The statutes of Ottery have, at any rate, one great advantage over those of the cathedral church, in being codified from the outset. The statutes of Exeter Cathedral consist of documents executed by the bishop, with the assent of the dean and chapter, dealing with whatever matters needed statutory regulation from time to time. Accordingly, to ascertain the bearing of the statutes on any point (there being no index) it is necessary to read the statutes through on each occasion, and there is no quite complete copy in existence. The most complete, which is in the hands of the dean and chapter, owes its preservation to the fact that it was

bequeathed for that purpose by its owners, two canons of the eighteenth century. The bishop's registry also possesses a copy, but lacking some of the more recent statutes. A partial attempt at codification was made by Bishop Veysey in a statute of King Henry VIII's time; a more comprehensive draft was prepared in the reign of Elizabeth at the request of the dean and chapter for Bishop Woolton, but was not executed by him.

At Ottery, on the contrary, the statutes were cast in a comprehensive mould, and along with the *Ordinacio* they form a complete guide, each point being dealt with under its proper head. The notes to the statutes, furnished by the present editor, are beyond all praise for their minute accuracy and historical value. Long notes are given on matters of wide interest connected with the life of the church in the fourteenth century; among these we may refer to provisors—a somewhat indefensible, but, as Mr. Dalton shows, an occasionally convenient stretch of the papal prerogative. Grandison himself was 'provided' to Exeter by John XXII, a process which not only saved much trouble, but also provided the see with a bishop, who, although a foreigner, proved a most exemplary and efficient administrator. Other notes deal with two somewhat difficult subjects, namely, the growth of the daily mass as an obligatory part of the priest's life, which at the date of these statutes was not yet universal but on its way to become so. The other point is the history of private or sacramental confession—the rise and final enactment of which as a universal Christian duty is traced by Mr. Dalton with fairness and accuracy. A word of praise is necessary for the illustrations. Admirably chosen and well executed, they may be pronounced worthy of the text, which is high praise. One can only hope that the paper on which they are printed will last as long as the beautiful paper used for the letterpress.

Throughout the book we are face to face with the strong personality of John Grandison, the greatest of the medieval bishops of Exeter. A foreigner (his family belonged to Grandson in the dominion of Savoy), he was yet connected by kinship and affinity with most of the great families of England. The connexions, intricate and numerous as they are, are worked out for us by Mr. Dalton in all necessary detail, and correlated with the rich heraldry of the beautiful old church, heraldry thus serving its proper function of a guide to personal identification and to genealogical relations in the historic past. On his first arrival at Exeter, Grandison lamented that his lot was cast in a country whose ways and speech were so strange and uncouth, and begged his papal patron to find him other preferment before long. But this mood wore off, and no bishop could have identified himself more thoroughly with the see allotted to him, nor have impressed his character more deeply on its buildings and its life. The cathedral, in its main lines, was planned out before he came, but the completion was his work, and at Ottery he set himself the aim of reproducing the plan of the cathedral in its broadest features.

It is impossible to do justice in a short review to the accuracy and thoroughness of Mr. Dalton's treatment of the fabric; he makes clear the probable relation of the ground plan to that of the church associated with the name of Bishop Bronscombe. This is specially the case with the difficult question of the lateral towers. Bronscombe's church had

two transepts: these transepts Grandison, by an ingenious adaptation, worked into the foundation of the two existing towers which are his work; so that while at Exeter his predecessors are thought to have cut transepts into the Norman towers, at Ottery, on the contrary, Grandison moulded towers on the two transepts which he found in being. The present reviewer had frequent occasion during the last fourteen years of visiting the church of Ottery, but very little leisure to yield to the keen desire which the building inspired to investigate all its richness of historical and archaeological detail. This Mr. Dalton has done, it may be said, to perfection. Intricate and fascinating as are the problems suggested by almost every detail, Mr. Dalton has brought out their interest to the full, and on most points he convinces us that he has the true key to each.

Ottery is, in essentials, the work of one man and one mind. Whatever Grandison may have found on the site, the whole was worked up by him to a harmonious and accurately symmetrical result down to the minutest measurements. Apart from the Dorset aisle, which 150 years later enriched the design of the church at the cost of its original symmetry, almost everything bears the sign manual of the great bishop. Grandison was conscious of style, and Ottery is a great experiment in nascent Perpendicular; forms are borrowed from the Early Pointed of the previous century, but to attentive study they reveal themselves as Grandison's own design. It is very interesting to know that Grandison also experimented in styles in his private chapel at his great manor house at Clyst (now known as Bishopscourt, in the parish of Faringdon, Devon, not to be confounded with the ancient house of the name, formerly in Ottery parish). Here the modern restoration of the chapel and stripping of the whitewash has revealed Grandison's three lancets over the altar, each flanked with a pair of Purbeck marble shafts painted on the wall, carefully copied from the thirteenth-century style. As far as the present reviewer knows, we have to go to the vaulting in Milan Cathedral for an adequate parallel. It may be permitted to express regret that the glorious church of Ottery was restored too soon. No architect of the present day would be likely to venture, for example, on the drastic alteration of levels, which has arbitrarily altered the exquisite proportions of the choir aisles, making them appear unduly narrow and high shouldered. But on the whole the church remains a precious relic of a most interesting period of medieval architecture, and the Dorset aisle, in spite of what was said above, is in itself a noble monument of almost the latest days of spontaneous architectural development in this country.

Mr. Dalton, by his labour of love, has earned the gratitude of all who know and love our ancient ecclesiastical heritage.

A. ROBERTSON.

Public Works in Medieval Law. Edited by C. T. FLOWER. Vol. I. (Selden Society, Vol. XXXII.) (London: Quaritch, 1915.)

MR. FLOWER'S collection is one of indictments for non-maintenance of local public works extracted from the Ancient Indictments and the Coram

Rege Rolls. As he explains (p. xxi), further material of the same kind must be forthcoming from the Eyre Rolls of the King's Bench, those of the Common Bench, and the records of the Chancery and Exchequer, not to mention other series of records; 'the present book merely taps two obvious sources of information.' But this in no way reduces the interest and value of the material collected. The indictments printed all come from the reigns of Edward III and Richard II. Throughout this period they 'become gradually briefer', and in Richard's reign are 'completely stereotyped' in form. Mr. Flower inclines to the opinions that the marked activity in presentment shown from 22 Edward III to the end of the reign may be due in part to a 'vague recognition', after the time of the Great Pestilence, that 'stagnant sewers and ditches were bad from a sanitary point of view', and that it is certainly connected with the difficulties of landowners in providing labour and material for the upkeep of waterways, roads, and bridges after the ravages of the plague. The bulk of the places referred to are in Middlesex, Surrey, and Essex, Gloucestershire, Lincolnshire, and Yorkshire; a fact which is probably due, as Mr. Flower suggests, to the location of the King's Bench at this time—generally at Westminster, but also for long periods at Gloucester, Lincoln, and York. The situation of the principal waterways and 'fenny grounds' has also, naturally, a good deal to do with the geographical distribution of the presentments.

All discussion of the origin, 'nature, and general form of the various processes' is postponed to the second volume. In connexion with an indictment in 1357 of John, son of Roger, and thirty-three other men of Belgrave for encroaching on the Fosse Way, which '*per fossata levata ac pilos fixos et arbores plantatas necnon purpresturas et alia nocumenta quamplurima ita artata est et obstructata*', &c., the editor points out that presentments for purpresture in a more rudimentary form are found in the very earliest Assize Rolls, and that 'possibly from them . . . all presentments relating to highways and bridges developed' (p. 217). In an appendix to the introduction he illustrates this point from fines for purpresture in the Pipe Rolls, 22 & 23 Hen. II, from the Assize Roll 2, 3 Hen. III, and from other thirteenth-century sources. The appendix also contains extracts from a number of chancery inquisitions, mainly of the fourteenth century, as to the liability to maintain bridges. The references in the early documents are brief, whereas some of the fourteenth-century indictments printed in the body of the book are extraordinarily detailed and interesting. They relate to bridges, causeys (*calceta*), highways, drains, sewers, rivers, watercourses, paths, and one gaol. Mr. Flower adopts Fuller's definition of the causey as a 'bridge over dirt', and supports his view from the causey at Marcham in Berkshire, '*defractum et concavum et multipliciter ruinosum*', which—according to the evidence (p. 16)—was in the charge of certain 'bryggewryghtters', John Bochar, John Ball, and John Percival. The typical causey is clearly a raised way of some kind, as in the case of a bridge and causey at Brant Broughton in Lincolnshire (p. 262), of which it is put in evidence that '*pons predictus post primam pestilenciam ibidem primo per quendam heremitum factus fuit ponendo tabulam ultra quoddam vadum in medio calceti predicti*,

et . . . si calcetum predictum ad plenum foret mundatum et reparatum non indigeret aliquem pontem ibidem fieri', &c. This is one of the live touches which are common in these indictments.

The Great Bridge of Cambridge, which is so fully discussed in the Hundred Rolls, is the subject of elaborate indictment and inquiry in 1338 and subsequent years. It is one of the cases in which scattered lands were liable for bridge repair, cases which led to endless litigation. In this instance lands in about a score of villages were liable, and 'communitas ville Cantabr' tenetur reparare unum caput pontis', against St. Clement's Church. Rochester bridge, whose history has already been written, is a somewhat parallel case, the liability resting on eleven townships. It occurs among these presentments, as does a bridge near Stroud, for which Stonehouse, Bisley, and Minchinhampton were responsible. There are many less complex cases of pontage liability, such as that of Feering bridge in Essex, for which the abbot of Westminster was responsible, because he was lord of the soil on each side.

An interesting personal record occurs in a presentment at Chigwell, Essex, of 1364. From this it appears that Alice de Perers was lady of the fee at this time, i. e. as Mr. Flower points out, before her known connexion with the court of Edward III. This bears out the view put forward in the *Dictionary of National Biography* that she belonged to the Hertfordshire Perers, though said by her enemies to be of low birth.

Curious questions of fact sometimes arise. In 1378 three broken bridges near Gloucester are presented. But in evidence it appeared that these three bridges were one bridge. In 1387 Anselm le Gyse, accused of blocking the Severn 'per quamdam seweram', explained that there had always been weirs (*gurgites*) in the Severn; that one always left an 18-foot gap for the passage of boats; and that his manor of Elmore had always had 'quamdam gurgitem quam per declaracionem attornati domini regis supponitur esse seweram'. Anselm had maintained the gap or sewer and went away quit. These Severn cases also yield some curious information about fishing 'engines' (p. 161). There are also some very elaborate cases, as might have been expected, in the Lincolnshire marshes. An important series (pp. 215 *seqq.*) relates to the marsh land between Louth and the sea; others to the districts of Alford, Bourn, Spalding, Sleaford, and elsewhere. These Lincolnshire cases occupy nearly 100 out of the 306 pages of the text proper, and are very intricate, detailed, and of an importance which is by no means merely local. Such a case as that of Surfleet, Gosberton, and Quadring (all near Spalding) in 1359, villages whose 'fossate maris et marisci . . . sunt nimis debiles et basse', yet 'ignoratur qui ea debent reparare', show the need for some central machinery of compulsion such as that subsequently provided by the Commissioners of Sewers appointed by the Chancellor, under the Act of 1427. On this occasion the townships eventually admitted a general liability to mend all these things, 'cum necesse fuerit', and were amerced.

J. H. CLAPHAM.

Notes et Extraits pour servir à l'Histoire des Croisades au xv^e siècle. Publiés par N. JORGA, Professeur à l'Université de Bucarest. 4^{ème} série (1453-76); 5^{ème} série (1476-1500). (Bucarest, 1915.)

READERS of the *Bulletin* of the Rumanian Academy know the indefatigable diligence of Professor Jorga, whose publications even alone would supply it with ample material. His contributions to it, while chiefly concerned with his own country (for which reason we welcome them the more), have also a wide outlook and ready control of original sources. Twelve years ago he published three series of notes and extracts similar to those now before us. This material, along with that now published, was meant for a history of the Crusades against the Turks in Europe (after 1453). But Professor Jorga, who has a scheme for a universal medieval history on a large scale and has been called to other labours, has not realized what he calls 'ce projet de jeunesse'. Some of the material so painfully collected he has used, however, in his history of the Ottoman empire, published in German at Gotha, 1908-13, and some has appeared in the *Annales* of the Rumanian Academy for 1914. But he thought that the rest deserved publication, especially for their account of trade in the Levant, and the Rumanian Academy wisely and generously supplied the funds needed. It is pleasant to see that labour so ungrudgingly given should be recognized in such a way.

The first volume comes down to 1476, just after the capture by the Turks of the Genoese colony at Caffa and their conquest of the Black Sea littoral, and just before Venice, unable to defend Scodra (Scutari), was to give it up and to pay tribute for her commerce. Some of the extracts in both volumes, although found in other published works, are added for the sake of completeness; in some cases the editor summarizes the contents as is done in the English *Calendars of State Papers*, in others he quotes passages or phrases in full. Special mention may be made of the long extracts from two Venetian chronicles, both now at Dresden: the Zena Chronicle (see i. 200-14), and another (see ii. 227). Some of the shorter pieces are specially interesting and give local colour (e. g. ii. 20-9); we find Kitzbühel in Tyrol and other places disturbed at the Turkish advance; information gathered from travellers, refugees, and spies depicts the general state of terror; there is a long and lively letter from Hanns Hychsteter, Richter at Villach (ii. 39-42); Wenedict Kastner writes to Albert of Austria (ii. 45) that a merchant of Brescia passed the night with his brother-in-law at Mühlbach and gave secret information; we find the town of Nuremberg announcing (August 1456) to other towns and to some princes the victory of Hunyadi at Belgrade; there is a pathetic 'epistola lugubris et lacrimabilis pariter et consolatoria ad cunctos fideles de expugnacione et amissione insule Negropontis' (1496). This 'epistola lugubris, et mesta simul et consolatoria, de infelice expugnacione ac misera irrupcione et invasione insule Euboye dicte Nigropontis, a perfido crucis Cristi hoste, Turchorum impijssimo principe et tyranno, nuper inflictâ' (to quote its beginning words), is addressed (i. 276) in the first place to Cardinal Bessarion, whose importance in the West is well exhibited by these extracts. There is also a 'Lamentatio

Nigropontis' (i. 291). There was, indeed, need of all the appeals that could be made: there is one to the council of Basel (i. 25, in 1436) by John of Ragusa. Some documents are more informative, as an account of Constantinople, and one of the Greek church (i. 31); also the oration delivered before Ladislas of Hungary by the Dominican John bishop of Caffa (i. 57), and an account (i. 217) of the Turkish power sent to Pius II by Laurus Quirinus (who rightly congratulated the pope on his crusading zeal). There are, too, harrowing accounts of the sorrows of the patriarch of Antioch, in a letter from himself and in one from a Franciscan, 'Alexander Ariosto, commissary to his province' (ii. 5-10). It was impossible, however, to get the princes to agree: Albert of Bavaria grudged help, as he did not like interfering in other lands (ii. 15), but he gave way (ii. 33) in face of the threat to his duchy, although the plan sketched out for combined operations by the Bavarian and Austrian princes and the archbishop of Salzburg was not carried out. The diets at Nuremberg in 1466 (i. 251 and 253), in 1467, and also again at Nuremberg in 1479 (ii. 52), and yet another diet in 1481 (ii. 104), did little, although they planned much: that of 1479 was too slightly attended to be of any use, and was not moved by the sketch of Turkish history provided by the Hungarian ambassadors (ii. 54 and 55).

The interest of the volumes is therefore varied, and they illustrate many sides of the later crusading period. They have the advantages of giving fresh materials, in spite of the slightness of some of the pieces, and the frequent use of summaries in place of the originals. But for the very reason that they are the results of Professor Jorga's own collection for his own special objects, they are not of continuous interest or utility; they answer, though on a smaller scale, rather more to the notes at the end of some of Ranke's works than to anything else. It is therefore a little difficult to classify these volumes appearing by themselves. A little more description of the sources and more notes (those provided are sufficiently useful) would have been welcome, and above all an index would be useful, if indeed it is not necessary. Thus, for instance, there are references to that popular preacher, the real Peter the Hermit of a later day, John of Capistrano (i. 131 and 141); it would have been convenient to have such references collected.

The preface gives an interesting account of Professor Jorga's search for material; he has used for the first time the *Archivio del Duca di Candia* at Venice: he has worked in libraries at Genoa, at Venice, elsewhere in Italy, at Dresden, Munich, and at Vienna, where, however, for political reasons his work has been for some time forbidden. His larger works and his many published papers are the complement of the material here collected.

J. P. WHITNEY.

English Domestic Relations, 1487-1653. A Study of Matrimony and Family Life in Theory and Practice, as revealed by the Literature, Law, and History of the Period. By CHILTON LATHAM POWELL, Ph.D. (New York: Columbia University Press, 1917.)

DR. POWELL has attempted to deal with a vast subject within a narrow compass, and to digest into readable form a mass of details mainly of

a bibliographical character. Bibliography is, indeed, the base from which he approaches the study of literature, and his account of the family life of the period is really a bundle of notes on the list of books he has compiled dealing with the subject. This method of treatment reminds one of the counsel given to students of literature in a recent American text-book, that they should make themselves familiar with the titles of at least some of Shakespeare's plays; but Dr. Powell realizes some of its limitations and admits for instance (p. 159) that 'we should fall into a similar error were we to maintain that the books we have been examining represent the true state of man's regard for woman'. The enumeration, and even the description, of books dealing with a subject tell us little about the subject itself, and bibliography is no more than a somewhat mechanical aid to history. It is not even a substitute for reading literature; and Dr. Powell, not being familiar with the poetical works of Thomas Gray, contents himself with writing (p. 13): 'some one has made a remark to the effect that Henry first saw the light of the Reformation in the shining eyes of Anne Boleyn.'

The main part of Dr. Powell's book deals, however, with the law of marriage, and the principal implication in his thesis is the 'progress' from the chaos of canon law to the simplicity, justice, and humanity of Cromwell's Act of 1653 requiring marriage before the magistrate for the purpose of recognition by the state, which leads on apparently to the perfection of the present system in the United States; for since the Restoration 'England has muddled along in her usual way, and even the reforms of 1857, the first since Cromwell's time, left divorce affairs in a state that can hardly be thought satisfactory' (p. 100). Dr. Powell ignores altogether one great branch of his subject, the question of polygamy, the importance of which for the period of the Reformation has been well indicated by Dr. Powell's colleague Dr. Rockwell, in his work on *Die Doppelhe des Landgrafen Philipp von Hessen*, although it is a question which has provided Americans with exceptional opportunities for original investigation. He is, however, painfully conscious of superiority, and his book is full of claims to originality in the demonstration of truth and of the errors of previous writers; and these claims challenge some investigation.

Undue stress should not perhaps be laid on slips which may be due to careless proof-reading, and we take it that Dr. Powell's latinity is not to be judged by such forms as *de coniunctio episcopum* (p. 21), *a mensa et thori* (p. 87), and *facultas theologicum* (p. 214 n.). Nor do we suppose that it is more than a misprint which makes Dr. Powell speak of Robert Baillie writing 'in 1595', that 'this is the constant practise of all in New England' (p. 52), or of England as 'commonwealth' in 1646 (p. 35). But misprints will not account for his references to 'the Thirty-nine Articles of 1552' (p. 40), to the 'establishment of the court of High Commissions [*sic*] in 1571' (p. 30), or his statement that Thomason, who died in 1666, secured 'practically all tracts of any importance during this period for the museum library' (p. 59 b). Bias, no doubt, is responsible for the remark (p. 32) that popery was 'in the ascendent' under Laud; but there are implications of considerable ignorance in the statement that Laud was supported by all the bishops 'with the exception of a few who had

become nonconformists', in the remark that 'Elizabeth refused to legalize the marriage of priests' (p. 120), and in the omission of all reference to any but German continental influence on English ideas. More serious is Dr. Powell's treatment of evidence. Thus on p. 28 he says 'the first years of the Reformation in England were picturesquely and aptly described by Thomas Fuller', and the description he quotes is a passage from another writer which Fuller only cited to repudiate. Nevertheless, he again, on p. 72, quotes a sentence of it with the remark 'as Fuller said'.

Dr. Powell's qualifications as a censor of others' scholarship may, however, be best illustrated by his treatment of the English project for the reform of the canon law. It is introduced by a characteristic note that 'Milton is mistaken in saying that the committee was appointed by Edward VI' (p. 63). Dr. Powell is confident that it was appointed by Henry VIII, who 'died before he could force' its work, the *Reformatio Legum Ecclesiasticarum*, through Parliament; the scheme 'was defeated under Edward VI', and 'that the bill was defeated by the commons without ever reaching the lords is illuminating in showing how little the Reformation had as yet actually touched English public opinion' (p. 64 n.). It would be difficult to pack more errors into so small a space. Milton was right; no commission was appointed under Henry VIII, who would have been the last person to force such a document as the *Reformatio* through parliament. The commission was appointed by Edward VI, but its labours were frustrated by the rejection of the bill giving it statutory authority. But that bill was not defeated in the commons; it failed to get further than a second reading in the lords, and did not reach the commons at all. Its failure was not due to the weakness of the Reformation, but to the strength of its secular aspect, Northumberland and his friends objecting to the jurisdiction which the *Reformatio* left to the clergy.

Equally misplaced is the assurance with which Mr. Powell sets out to correct the dates assigned in Brewer and Gairdner's *Letters and Papers* to various 'books' on Henry VIII's divorce. He is 'now able to demonstrate' (p. 209) that the earliest of these—two letters from Robert Wakefield and Richard Pace—are misdated 1527 instead of 1529. One of his arguments is that Edward Foxe, to whom Pace refers, had 'in 1527 never been heard of by the court'. Yet in February 1527-8 Wolsey is sending Foxe on a most important mission with Stephen Gardiner to the papal court, and explaining that as a king's councillor Foxe should take precedence of Gardiner.¹ Mr. Powell further claims that the letters 'are definitely settled to have been written' in August 1529, although Pace, one of the writers, was then in disgrace and in custody, and was not released until Wolsey's fall. Mr. Powell's confidence on this point is partly due to his ignorance of the *Spanish Calendar*; and writing of a letter from Chapuys to Charles V dated 6 February 1530, he says 'the last recorded letter from Chapuys to Charles is dated October 25, 1529', but there are a dozen long and important dispatches from Chapuys to Charles printed at length between those two dates in the *Spanish Calendar*.

A. F. POLLARD.

¹ *Letters and Papers*, iv. 3925.

Préréforme et Humanisme à Paris pendant les premières guerres d'Italie (1494-1517). Par A. RENAUDET. (Bibliothèque de l'Institut Français de Florence, Université de Grenoble. 1^{re} Série, Tome VI.) (Paris : Champion, 1916.)

THE scope of this book is to trace in detail the movements of thought in the capital of France on two great questions of the day—the reform of the church and the development of university education under the influence of the revival of learning. M. Renaudet fixes his limits with precision. He is concerned only with Paris—similar monographs for other centres of national life, each grouped round a university and its attendant printers, he leaves to other pens—and the years which he submits to minute study are less than twenty-five: though, in fact, he allows himself an ample introduction, amounting to nearly a third of his 700 pages, for discussion of the conditions of Paris life and thought at the time when he begins—a discussion which necessarily carries him back more than a century. His chosen years he subdivides into four short periods, and in each traces first the progress of the orthodox movement of the ‘rigoristes’ for reform from within, as it took shape in Paris before passions were stirred throughout Europe by the outbreak of Luther, and then the gradual change in university studies which accompanied the introduction of printing. In his web are many interlacing strands which he dexterously follows up; many dominating figures are vividly portrayed. Where such wealth of detail is brought together, some of the work is necessarily at second hand, but most of it is the fruit of his own research. The parliamentary and monastic records in the National Archives, the records of the university and its colleges, provide him with abundant material; and page after page shows long series of notes derived from these manuscript sources. But his investigations have not stopped here. For illustration of the life and ways of French students he has laid under contribution the Amorbach correspondence at Basle and Beatus Rhenanus’ library at Schlettstadt, much of which was collected in Paris.

With his large space, M. Renaudet gives us interesting pictures of such men as Oliver Maillard the preacher; St. Francis of Paola, founder of the Minimes, restored to Europe after a visit to Mecca as a Turkish slave; Standonck, the refounder of Montaigne, and his bold candidature for the archbishopric of Rheims; Mombaer (Mauburnus), the reformer of Livry, and the men he brought from Windesheim; Guy Jouenneaux at Bourges, and many others whose names cannot find their way into more summary histories. On the side of ‘doctrines’ the scene is even fuller, and with this section of the work the bibliographers may well be gratified. For years they have been elaborating lists of books, carefully classified and dated for the different centres of printing, discovering many that were thought to be ‘lost’, others of which only a few copies are to be found, and at length some one has arisen to build with the bricks they have so devotedly gathered. M. Renaudet has examined for himself a very large part of the output of the Paris presses during these years, and is at his ease in describing the publications of the different schools of thought. Faber

Stapulensis, first as philosopher and then as biblical commentator, is given due prominence. Erasmus for these years is as much in Paris as anywhere. Fichet and Gaguin, Cliethove and Budacus, Aegidius of Delft, John Major the Scot, the Italian adventurers Andrelinus, Balbus, and Aleander, all receive detailed treatment; and the amount of work M. Renaudet has put into his undertaking may be gauged from the use he makes not merely of edited correspondence, but of less known collections, such as the letters of the Fernands and John Raulin, William de la Mare and Charles de Bouelles, which he has had to sift and arrange for himself. Incidentally come illuminating glimpses of the changing life of the times: as of the young Dominicans asking for more freedom to walk outside the town, in the greater security that was coming over the country, or of the authorities at the Sorbonne determining in 1480 to add to their library a *small* room to hold printed books. Not long ago the experts were as uncertain of the date of the Aristotelian commentator, Thomas Bricot, as they are to-day of Marchesinus', the author of *Mammetrectus*. Some placed him in the thirteenth century, others in the fifteenth. M. Renaudet's researches have rescued him from this nebulous existence and established him as a Doctor of the Sorbonne, who after a long career as a commentator died in Paris 10 April 1516. This is only one example of many obscurities on which he sheds ample light.

In a work on so grand a scale and produced in time of war—M. Renaudet is serving on the staff of the French army—some errors are inevitable. On p. 121 he accepts the quite baseless date given for Balbus' birth; on p. 136 the meeting of Faber with St. Francis of Paola is placed in an obscure village near Alessandria instead of at Bologna; and there are occasional divergences between dates given in the text and in the bibliography. This latter is a great feature of the book, filling 29 pages. One point in particular deserves the attention of those who work with abbreviated titles: the ingenious system by which each book in the list receives a number and then is cited by the name of its author with the number attached, e. g. *Thuasne* 310. The author's name is in most cases sufficient guide to the reader to remind him of the work intended, and the number is more compact than an abbreviated title, and far less cumbrous than the unabbreviated accumulations which sometimes render notes almost trackless.

P. S. ALLEN.

Intolerance in the Reign of Elizabeth, Queen of England. By ARTHUR JAY KLEIN, Professor of History in Wheaton College, Norton, Massachusetts. (London: Constable, 1917.)

THE subject of this book is attractive, and opens up prospects of an interesting study. Elizabeth's declaration that she would make no inquiry into people's consciences, but only demand of them an external conformity to law, makes a distinct step forward in the development of religious toleration; and it is the religious aspect of the quarrel between tolerant and intolerant, rather than some of the other less justifiable sorts of intolerance—social, artistic, and the like—which is here in question. To have this policy of Elizabeth set in its place, and contrasted with other theories,

past and contemporary and even future, would be a pleasant acquisition full of profit. If, further, the policy could be confronted with the actual practice, by an inquiry as to how far Elizabeth's dealings with recusants, nonconformists, and sectaries coincided with her declaration of policy, then the result might well promise to be more valuable still. But Professor Klein does not justify his title-page in the manner described. The question of intolerance determines the form only rather than the content of his book. The greater part of it is a general essay, of a pleasing and well-informed kind, on the ecclesiastical affairs of Elizabeth's time, grouped round five themes, viz. politics and religion, the government and the catholics, church and state, anglicanism, and protestant dissent. A very brief introduction touches, but does not handle, the root-problem of intolerance—what it is, why it is continually changing, and so forth: and then the historical survey begins, which ambles along comfortably for a couple of hundred pages before reaching the inevitable bibliography. Mr. Klein restates the commonplaces of Elizabethan ecclesiastical history, instead of taking them for granted and passing on from them to grapple with the special topic.

There were some real possibilities of a toleration of the 'conservatives' in the early stages of the reign. Would the government allow any latitude to conservatives who could prove their political loyalty to the new civil régime? Would the Council of Trent or the pope stretch a point, and allow, at any rate for the moment, or acquiesce in, an attendance *pro forma* at mattins in the parish churches? If this was tolerated, would the government in return wink at masses said in private; or if it could not tolerate the 'privy mass', could it allow the Latin rite to be used *sub rosa*, provided that there was 'communion'? Such hopes existed, but they were dashed to the ground, and an inquiry into the reasons for this failure might form a very good first chapter in a history of Elizabethan tolerance or intolerance. More would readily follow. When the Seminarists and Jesuit missionaries come, what signs are there in the dealings with them that Elizabeth's declaration of policy is being honestly carried out? If it is not, why is it not? The stories of Cuthbert Mayne, Campion, and many others raise such questions in an acute form. More familiar, perhaps, is the working out of the policy as it concerned nonconformity. But in this case, as in the other, Mr. Klein does not get beyond the usual generalities, or penetrate at all below the surface. At a later stage in the reign, separatism comes in for treatment almost as hard as that meted out to recusancy. The early ideal of tolerance has largely faded, and penal statutes are passed and strained to the utmost limits in order to secure the condemnation of men who, whether recusant or separatist, are convinced that they are suffering only for conscience' sake. What has happened to produce this state of things? Which have the better of the argument, the pamphlets and protests of the victims, or the justifications put out by Cecil?

Taking the book as it is, apart from what it professes to be, it gives a readable, well-informed, and fair-minded outline of some of the problems connected with Elizabethan religion. In other points besides the main one, there is, however, the same lack of penetration. Some deeper theology

would have saved the author from a superficial dealing with questions concerning formularies of faith. A better insight into the relations of church and state would have made more satisfactory the handling of several problems that lie on the borderland between the two—the ecclesiastical authority of the crown would not have been confused with spiritual authority; the relation of ecclesiastical law to state law would have been less confusedly stated. The bibliography is carefully done, and is valuable as giving references to some less well-known American work. On the other hand, there are some surprising omissions, e. g. Mr. Bayne's *Anglo-Roman Relations, 1558-1565*, or the excellent work of the author's fellow countryman, Dr. R. G. Usher, *The Rise and Fall of the High Commission*. The author does not often criticize the work of others, and is not very successful when he attempts the task. For example, when he takes Dixon to task (p. 11) for rejecting the legend that the pope offered to confirm the English Prayer Book if his own authority was acknowledged, he tries to support the legend by a wholly irrelevant papal brief. Indeed, no one who had grasped at all the Roman view of the Prayer Book, as revealed for example in Mr. Bayne's monograph, could ever treat the legend seriously.

The most attractive feature in Mr. Klein's book is the 'Comparison between the first and last apologists of Elizabeth's reign', pp. 118-24, where an interesting contrast is drawn between the views of Jewel and of Hooker. But even so the author does not appear to have measured Hooker carefully: he does not seem to know Bishop Paget's 'Introduction', nor to share his estimate of the *Ecclesiastical Polity* as a work of genius and permanence. The best result of the book might be that it should stimulate some one else, or, better still, the author himself, to see the richer possibilities of the subject and to give it a more worthy and full treatment.

W. H. FRERE.

The Freedom of the Seas or the Right which belongs to the Dutch to take part in the East Indian trade, a Dissertation by HUGO GROTIUS. Translated with a revision of the Latin text of 1633 by RALPH VAN DEMAN MAGOFFIN, Ph.D. Edited with an introductory note by JAMES BROWN SCOTT, Director (Carnegie Endowment for International Peace, Division of International Law). (New York: Oxford University Press, American branch, 1916.)

THIS reprint, in an almost sumptuous form, of Grotius's classic *Mare Liberum*, with an English translation facing it, ought to appeal to a large number of readers and students, though it cannot be regarded in any way as a definitive edition. 'The Latin Text', says Professor Magoffin, 'is based upon the Elzevir edition of 1633,¹ the modifications being only such as to bring the Latin into conformity with the present-day Teubner and Oxford texts.' How far such an attempt is desirable may be open to debate. But the spelling has certainly not been made to conform in every case with the results of present-day scholarship, 'intelligent', for example, and 'republican' being left unaltered. Again, in 'contra

¹ There are, however, two Elzevir editions bearing this date.

praesidium edicta', p. 2, l. 11, the second word, even if its form is due to Grotius's deliberate preference, ought, on the editor's principles, to have been discarded for 'praesidium'.² Nor is the present issue free from errors in cases where the correct reading is given by the 308-page edition, at least, of the 1633 Elzevir. On p. 2, l. 9, there should be a full stop after 'occurrent'; on p. 18, l. 18, 'nolent' should be 'nolint'; on p. 72, l. 11, there should be a colon after *ισου* and a full stop after *επιταγμάτων*, while on p. 73, l. 10, *μὲν* has dropped out after *ὑπὲρ* at the beginning of the quotation from Demosthenes; on p. 74, l. 10, the full stop after 'sententia' has been turned into a comma; on p. 75, l. 15, 'proprius' has been printed instead of 'propius', and on p. 78, l. 13, 'ergo' instead of 'ego'. But an entirely satisfactory text can only be attained by the aid of the *editio princeps* (1609). A good illustration of this may be seen on p. 33, ll. 11 *seq.*, where in the present edition we find 'Ante aedes igitur meas aut praetorium ut piscari aliquem prohibeant usurpatum quidem est, sed nullo iure'. Did Mr. Magoffin, we wonder, feel uneasy about 'prohibeant'? Had the first edition been consulted, it would have shown 'prohibeant' in the text, it is true, but 'prohibeam' in the table of *Errata*, a correction ignored by subsequent editions.³ Mr. Magoffin recognizes a difficulty on p. 36, l. 20, where the solution is to be found in the first edition. The words are 'quod Iserniam et Alvotum non latuit'. Who is Alvotus? The editor notes that 'Alvotum' is probably a misprint, and that Alvarus (Alvarez) is the author intended. 'Alvotum' is undoubtedly a misprint, which first appeared in the edition of 1618, but the name should be Alvarotus (who wrote *de Feudis*), as may be seen in that of 1609.

Labour has evidently been spent on the translation, so as to present Grotius's thoughts in an intelligible form to the English reader. More than once perspicuity has been gained by skilfully recasting the Latin sentences in a different mould. But in several places the meaning has been misunderstood; in others the English rendering is inadequate. On one occasion Grotius's margin supplies references that might have saved the translator from error. 'Signa navium', &c., p. 40, l. 10, is rendered by 'pieces of shipwrecks'. 'Signa' here means 'figureheads'.⁴ Among minor, or major, errors we have noticed the following. P. 1, l. 4, 'pestilens' is hardly 'detestable'; *ibid.*, l. 13, 'metiendam' is not 'dispense' but 'measure' or 'estimate'; p. 5, l. 5, 'demum' after 'ii' is neglected; *ibid.*, l. 15, 'infensis' does not mean 'foolish'; p. 6, l. 7, 'icta foedera' = 'treaties were made' (not 'are'); p. 7, l. 18, 'apud omnes natam' is not 'destined for all'; p. 16, l. 18, 'nullo modo posse' is incorrectly translated; p. 20, l. 22, 'scandalizare' does not mean 'to subdue'; p. 24, l. 22, the 'et' before 'alteri' misses recognition; p. 39, l. 1, 'qui alteri incumbant' does not mean 'those who lay burdens on foreigners', nor 'dicendi erunt', l. 24, 'be justified in saying'. There is a curious

² Apuleius, *Florida*, ii. 17. 16, to which one used to be referred for the gen. plur. *praesidium*, has *praesidum* in Helm's Teubner text of 1910.

³ Those familiar with Greenhill's edition of the *Religio Medici* will recall the curious fate of Sir Thomas Browne's *errata*.

⁴ See also Cecil Torr, *Ancient Ships*, p. 113.

piece of oversight on p. 41, where 'quingenties sestertium' is translated '500,000 sesterces', and 'millies', 1,000,000, instead of 50,000,000 and 100,000,000 sesterces respectively. On p. 52, l. 18, 'in docendo libertatem' is rendered 'the exposition of the principles of liberty', as though 'libertatem' were the object of 'docendo'. On p. 68, l. 3, 'nor am I compelled to stop doing what I have never done' is a somewhat Hibernian equivalent for 'nec [cogor] quod non feci omittere'. A little lower down on the same page, 'the same Vasquez has also most justly said that not even the lapse of infinite time establishes a right *which seems to have arisen from necessity rather than choice*' (the italics are our own) is a singularly perverse translation of 'Idem Vasquius et illud rectissime, ne infinito quidem tempore effici, ut quid necessitate potius quam sponte factum videatur'. On p. 69, ll. 10, 11, 'serio Theologorum examine probatam' does not mean 'seriously approved by the *swarm* of theologians', but 'approved by the serious judgement of theologians'. On p. 69, l. 23, 'he is preventing some one from getting a profit which another was previously enjoying' is not a proper translation of 'lucro quo adhuc alter utebatur eum prohibet', inasmuch as he misses the point that 'alter' and 'eum' refer to the same person. On p. 70, l. 2, 'perceperat' means 'had enjoyed', not 'had discovered'. At times the translator obscures the line of Grotius's argument by introducing words in the English which are illogical. For instance, 'and yet' is twice employed, p. 8, l. 11 and p. 19, l. 23, where there is nothing concessive in the thought. Elsewhere, p. 33, l. 12, 'adeo quidem ut' is rendered 'although'.

What is specially characteristic of Grotius is the learning and ingenuity with which he drew parallels and precedents from a wide range of reading. For the most part he furnishes his own marginal references. A modern editor may reasonably be expected to correct and supplement these, when necessary. In the present edition the reader is sometimes left without assistance, and at times misled.

P. 9, note 1, 'Diodorus Siculus XI'. The right reference is xii. 39. 4. *Ibid.*, note 2, 'Sigonius De regno Italiae'. The passage will be found in Book xx, under the year 1270.

P. 9, l. 11, 'Et hoc nomine Hercules Orchomeniorum, Graeci sub Agamemnone Mysorum Regi arma intulerunt'. Grotius in a note on this refers to Sophocles, *Trachiniae*, 'but probably from memory', observes the editor, 'for there is no such reference in that play'. The solution of this puzzle may be seen if we examine the extract from Apollodorus' *Bibliotheca*, ii. 7. 5-7, prefixed to the play in the Laurentian MS., and printed as the *hypothesis* in the Aldine *editio princeps* of Sophocles.⁵ There we find, *ὡς δὲ εἰς Ὀρμένιον ἦκεν, Ἀμύντωρ αὐτὸν ὁ βασιλεὺς οὐκ εἴασε μὲθ' ὀπλων παριέναι, κομλυόμενος δὲ παρελθεῖν καὶ τοῦτον ἀπέκτεινε*. The confusion between Ormenion and the better known Orchomenos is fairly easy. It occurs in no. 35 of the epitaphs on Homeric heroes in the so-called *Aristotelicos Peplos*, where Eurypylos is said to lie buried in his native *Orchomenos*, though in *Iliad* ii. 734 *seqq.* we are told that Eurypylos's followers were from *Ormenion*.

⁵ See Jebb's ed. of the *Trachiniae*, where, however, the extract is not given. It may be read, amongst others, in R. Y. Tyrrell's edition.

On p. 12, note 1, Gordianus is conjectured by the editor to be 'probably Fabius Claudius Gordianus Fulgentius (468-533), a Benedictine monk, one of the Latin Fathers'. If Grotius's reference to Code viii. 40. 13, had been carefully examined it would have been apparent that the Gordian here was no monk but a Roman emperor. On p. 15, note 1, the editor remarks that for a certain statement 'Grotius cites Osorius, but gives no reference'. If so, why not remedy his omission by giving it—*De rebus gestis Emmanuelis Regis Lusitaniae*, lib. xi, vol. i, col. 1054 in Osorius's *Opera Omnia*, Rome, 1592?

P. 23, l. 13, 'quod Cicero dixit: "Sunt autem privata nulla natura".' The reference is *De officiis*, i. 7. 21, which should be given also in note 4 on page 25, where the reference is incomplete.

P. 29, l. 18, 'unde apud Athenaeum convivator mare commune esse dicit, at pisces capientium fieri'. No reference is given. It comes from Book viii. 346 e. But the fish are not said to belong to those who catch them but to those who have bought them (τῶν ὠνησαμένων).

On p. 34, note 2, Johannes Faber the jurist has been confounded with his namesake, the bishop of Vienna.

P. 41, note 1. The full references to Strabo are ii. 118 and xvii. 798.

P. 49, note 3. Gianfrancesco Balbi is here said to have been a 'jurisconsult at Muentz-hof'. This last statement seems to be due to a mistake in reading Jöcher's *Gelehrten-Lexicon*, or some other work of reference. Jöcher styles Joh. Franciscus Balbus a 'Jctus und königlich-frantzösischer Advocat im (not in) Müntz-Hofe' (? Cour des monnaies).

P. 63, note 8, Grotius, after quoting from Seneca, 'quae emeris, vendere; gentium ius est', adds the marginal reference, '*De beneficiis*, v. 8'. The editor's comment is 'Not a quotation, but a summing up of the chapter'. But the Latin is a quotation: see *De beneficiis*, i. 9, 4.

P. 73, l. 14, 'quod et Alexander Imperator ita expressit'. The Greek quotation here introduced, for which no reference is given, comes from Herodian, vi. 3. 4, Alexander being, of course, the Emperor Alexander Severus.

Without in any way underrating the usefulness of this book or the amount of work put into it by Mr. Magoffin, it must be acknowledged that, before there is a second edition, translation and notes alike ought to be submitted to a searching revision.

EDWARD BENSLEY.

British Foreign Policy in Europe to the End of the Nineteenth Century. By H. E. EGERTON. (London: Macmillan, 1917.)

THIS little volume is, to quote the words of its author, a modest attempt to answer the practical question, how much of truth there is in the charge so often made by German publicists and historians that the past history of British foreign policy has been conspicuous for its display of perfidy and unscrupulousness. Its object is 'to marshal the evidence by which it can be shown that, whilst British statesmen may often have been mistaken and wrong-headed, the policy of the country, on the whole, has been singularly honest and straightforward'. Its appearance is certainly timely; for the campaign of German calumny against this country,

directed to the loosening of the bonds between us and our allies, has never been conducted with more thoroughness, or with a more cynical disregard for truth, than at the present time. And to meet this unscrupulous campaign English apologists have hitherto had no very readily accessible armoury of arguments. Our historical literature is rich in memoirs of particular statesmen; various aspects of our foreign policy have been adequately dealt with in special treatises; but certainly 'there was room for a book which, by dealing with British foreign policy, apart from a narrative of events, should endeavour to put forward the views of past British statesmen' in such a way as to bring out clearly the principles by which this policy has been consistently directed. Such a book, published at such a time, might easily incur the suspicion of being *tendenziös*. It is greatly to the credit of Professor Egerton that he has avoided this vice, characteristic of German historians, and that he has given us, not a panegyric of British statesmanship, but a careful historical study in which no attempt has been made to disguise the motives, commendable or the reverse, by which it has been actuated.

The charge most generally brought against us is that our foreign policy has been inspired by the meanest motives of 'commercial egoism', and that, in this as in previous wars, we deliberately stirred up strife on the Continent in order to be able to fish in troubled waters. This absurd accusation should, once and for all, be refuted by the evidence collected in this single volume. Mr. Egerton makes no claim for any peculiarly lofty disinterestedness in the British statesmanship of the past; he maintains, rightly, that the statesman is in the first instance the trustee of the interests of his own country; and, from the point of view of the world at large, the foreign policy of England should be judged solely by the degree to which, in pursuing her own interests, she has recognized that these are in the long run intimately bound up with those of the community of nations of which she forms a part. The fact of this recognition, for nigh on three centuries past, is clearly brought out in Mr. Egerton's book. When, during the Luxemburg crisis, Queen Victoria spoke of England as 'a Power who, above all others, can have no ambitious views of her own, nor any interest but in the preservation of peace', she was but echoing words which had been repeated over and over again by British statesmen during the preceding hundred years. The principle of preserving the balance of power on the continent, which, from 1688 till the second half of the nineteenth century, governed the foreign policy of Great Britain, and led us into war with the Powers—Louis XIV, revolutionary France, Napoleon—who sought to overthrow it, was a principle directed solely to the preservation of peace on the basis of a just equilibrium. Our interests dictated to us that we should suffer no one Power to give the law to the Continent, but in this our interests marched with those of every state whose liberties and rights were threatened. There was no hypocrisy in the claim that England was the guardian of the freedom of Europe, a claim at one time universally admitted, and by no means compromised by the fact that we sought our compensations in the world beyond the ocean. If later on, when the principle of the balance of power was subordinated to a natural sympathy with national

aspirations among the continental peoples, the charge of hypocrisy could be brought with greater weight, this was because our statesmen 'adopted the grand manner, without having behind them grand armies'. Mr. Egerton, in words not a whit too bitter, castigates this attitude in the case of Lord John Russell's luckless intervention in the affairs of Poland :

To bluster and then give in ; to excite fervent hopes and then to disappoint them ; to threaten and then to bow meekly before a note of warning—such was British foreign policy as practised by men whose minds lived in the spacious days of British predominance, but whose military estimates were, to a great extent, regulated by Mr. Gladstone.

This attitude was certainly not deliberately hypocritical ; it was due rather to a consciousness on the part of British statesmen of their own fidelity to the fading conception of international obligation as defined in treaties, and to their simple belief in the effectiveness of merely moral sanctions. It was due also to their conviction that the interests of Great Britain demanded peace above all things. More than twenty years after the fiasco of Russell's intervention on behalf of the Poles, Lord Salisbury once more defined the aims of British foreign policy as ' a policy of peace ' :

To retain things as they are in Europe and the Mediterranean, that is our policy . . . but in order that peace should prevail, there was need of two things : first, that each individual nation should be willing to agree to a policy of give and take, and secondly, that the Concert of Europe should be a reality.

As for the reality of the Concert of Europe and the character of Great Britain's part in it during the greater part of the nineteenth century, the truth cannot be better summed up than in a passage quoted by Mr. Egerton from a letter of Lord Malmesbury to Disraeli. ' England ', he wrote, ' always acts *de bonne foi* in these cases, and therefore has the disadvantage of being like a respectable clergyman, co-trustee with five horse-dealers.'

In preparing this excellent little work, Mr. Egerton has rightly thought it unnecessary to call in aid unpublished material. He has, however, made a wise and discriminating use of ' the amount of authority contained in the printed correspondence and biographies of leading statesmen and diplomats ', and his many references to these make his work, apart from its immediate aim, a most useful index and guide to a vast mass of published material. But it is to be regretted that the frequent long quotations from secondary authorities (e. g. Ranke, pp. 46-7) tend to give the book, quite unnecessarily, the appearance of a mere compilation, and to diminish in the mind of the ordinary reader the weight of the quotations—by far the greater number—from original sources.

W. ALISON PHILLIPS.

Gli Studi storici in Toscana nel secolo xix. Da ANTONIO PANELLA. (Bologna : Zanichelli, 1916.)

THIS little volume will awaken many pleasant memories for older students of Italian history, and will serve as a guide, almost as a bibliography, for those of to-day. The author's commission was to chronicle the first half-

century of the *R. Deputazione di Storia Patria* (1862–1912), but he rightly felt that the *Deputazione* was but an offshoot from an old stock which sprang from the marvellous nursery-garden of Muratori. Thus the first section sketches the excellent work produced in the eighteenth century, until Italian history was threatened with extinction by the encyclopaedist invasion; then it notes the conflict between classicism and romanticism, between the analytic and synthetic schools, out of which arose a gradual revival taking definite shape in the foundation of the *Archivio Storico Italiano*. This journal was the work of the publisher Vieuksseux, to whom was already due the famous *Antologia*, under the inspiration of that noble and talented patron of all that is good in Italian historiography, Gino Capponi. Vieuksseux had, indeed, long been influenced by the progress of historical study in France and Germany, and by the personal friendship of A. von Reumont, to whom Italian history owes much. The author pays a just tribute to the group of publishers which led the van in the new adventure, to Vieuksseux, Molini, Albèri, Le Monnier, Barbèra. The impetus given by the *Archivio*, and the facilities offered by these patriotic publishers, did much to stimulate the growth of historical study not only in Florence but in Pisa, Lucca, and Siena, and to reinvigorate the older societies. The work of Muratori was continued, for instance, in the *Archivio*, and in the *Biblioteca Nazionale* issued by Le Monnier and Barbèra, and was encouraged by the establishment of the provisional government at Florence after the fall of the grand dukes.

Vieuksseux feared that the *Archivio* would die with him, for the cost was great and there was no individual to take his place. He wished therefore the *Archivio Centrale di Stato* to take it over. The government preferred, however, that it should be acquired by a new institution, the *R. Deputazione Toscano-Umbra* (1862). The *Deputazione Piemontese* had existed since 1833, and in 1860 was extended to Lombardy; it then began the *Miscellanea di Storia Italica*, which was to comprise all Italian history. In 1860 also had been founded the *Deputazione* for the three Emilian provinces. The government's new scheme was, in the opinion of Vieuksseux and the author, a mistake. History in Tuscany, to a greater extent than in any other state, had long aimed at being national rather than provincial or municipal. Since 1830 this ideal had been before the eyes of Vieuksseux, Capponi, and their associates. Thus the *Archivio* had from the first a character distinct from that of other Italian periodicals, though its aim had not been entirely realized. The new foundation thwarted the national activities of the *Deputazione Piemontese*, and emphasized the tendency to particularism. This was further increased when later (1890) the Tuscan *Deputazione* lost the Emilian section, which had temporarily been united with it, and then the Umbrian (1894). Nevertheless it was intended that the *Archivio* should retain its national character, and the *Deputazione* also undertook the publication of *Monumenti Storici*, arranged on the model of the *Monumenta Germaniae*. The editor was Milanese, who had done excellent work for the *Biblioteca Nazionale*. The *Monumenti* met with difficulties, and were in time replaced by the well-known *Documenti di Storia Italiana*, a revival of Molini's collection of 1836, which had been published at the expense of Gino Capponi. The

author's criticism is that the documents have been somewhat too provincial in character, and too desultory in appearance.

Meanwhile the *Archivio*, in spite of several changes of form, has maintained its general direction, and widened its area in a truly national sense. It has treated largely of public and private law, more slightly of economics, church history, art and literature. Palaeography found a generous welcome, and this led to the criticism of sources, especially the Florentine medieval chronicles, the authenticity of which was being attacked by German students. The hottest fight was over the chronicle of Dino Compagni, in which Isidoro del Lungo victoriously engaged the sceptic Scheffer-Boichorst. We could wish with the author that the invaluable bibliographical notes in the *Archivio* had achieved greater regularity.

The *Deputazione* has been extraordinarily fortunate in its presidents. Gino Capponi, who died in 1876, was succeeded by Marco Tabarrini, and he in 1898 by Pasquale Villari, the sole survivor (when Signor Panella wrote) of the brilliant group which had gathered round Vieusseux. The political unity of Italy was leading to a more general desire for a common system in her historiography. On the initiative of the Neapolitan Society a series of congresses was started in 1879, and the outcome was in 1883 the foundation of the *Istituto Storico Italiano*, which should unite the several *Deputazioni* and *Società*. This rendered possible the co-operation of national and provincial history for which Villari had long been striving; it should be the duty of the provincial societies to illustrate local history and prepare the material for the future national history which should be the task of the *Istituto*. So far the chief work of this has been the resumption of Muratori's work in the series of *Fonti per la Storia d'Italia*.

The concluding chapter treats of other Tuscan historical institutions closely connected with the *Deputazione*, the *Soprintendenza agli Archivi Toscani*, with its publication the *Giornale Storico*, and the *Istituto di Studi Superiori*. The former has proved an admirable school which has trained many of the best Italian archivists, Guasti, Milanese, Bonghi, Paoli, and Gherardi. Villari's professorship gave life and dignity to the *Istituto*, but the author complains that the Italian youth seldom devotes itself to learning for its own sake, and thus the *Istituto* trained its pupils for professional posts rather than for historical study, and such good work as it has produced has been the result of individual industry rather than of corporate activity. Full credit is given to the admirable societies of the secondary Tuscan cities—Pisa, Lucca, Siena, Pistoia, and the Val d'Elsa—which naturally are occupied with municipal rather than with general Italian history. Among individual writers, Capponi and Villari were the pioneers, and find worthy followers in Peruzzi, Salvemini, Rodolico, and Tommasini. The more modern French and German representatives, Perrens and Davidsohn, receive recognition tempered by criticism.

Throughout his volume the author laments that in Italy provincial and municipal history has ousted national, and that the Italian temperament is too individualist, and often too lazy, to work in that perfect collaboration which has been the keystone of German success. The difficulty is perhaps greater than he would admit. History is after all

the handmaid of facts. As there has been in the past no national polity, diplomacy, naval or military glory, the only common ground could be found in the legal, social, and economic spheres. But such study is for many minds too abstract and colourless to be attractive, and, after all, even in these respects the community between medieval Florence and Naples, or between Venice and Piedmont, has been extremely slight. On the other hand, the provincial and municipal history has been incomparably more vivid in Italy than in any other country; the individual has counted for much more, the incidents have been infinitely more exciting, even the political lessons more varied if not more educative. For a foreigner the charm of Italian history lies in its picturesque, broken ground, but the modern Italian patriot feels that this is not a sound foundation for the history of the present and future, which must be national. All the more credit to those who are so securely and so skilfully adapting the new edifice to its old foundations. During the eighteenth century Italian culture was the slave of France, during the nineteenth of Germany. If, wrote Tabarrini in 1883, her historians cannot break away from German methods, let them at least think and write like Latins. There is now little doubt that Italian history *farà da sé*, both in thought and form.

E. ARMSTRONG.

L'Europe et la Résurrection de la Serbie (1804-34). Par GRÉGOIRE YAKCHITCH. 2^e édition revue. (Paris: Hachette, 1917.)

THE general desire of the public in the allied countries to know more of the history of Serbia fully justifies Dr. Yakchitch, a Serbian scholar resident in Paris, in issuing a second edition of this valuable diplomatic study, originally published ten years ago. Saint-René Taillandier in France, Ranke in Germany, Kállay in Hungary, and Novakovitch in Serbia, have all written valuable works on the 'resurrection of Serbia'; but the two former wrote with few diplomatic materials, while the two latter covered only a portion of the Serbian revolution. Dr. Yakchitch bases his narrative almost exclusively on documents, notably the archives of the French Foreign Office and of the 'Polish Library' in Paris, those Serbian documents which have survived two destructive fires,¹ and the 'Memoirs' of the arch-priest Nenadovitch, who was personally acquainted with the chiefs of the revolution and one of its actors. The result is a first-hand account of what occurred, which, if not so artistic as that of Ranke, is more historical, and a worthy addition to the products of Serbian scholarship.

Dr. Yakchitch pays special attention to the play of international diplomacy in the Serbian revolution. From the outset two great powers were interested in the rising—Russia, to whom the Serbs sent a deputation in 1804, and Austria, to whom they appealed in 1806—while a third great power, France, became a Balkan state by the acquisition of Dalmatia in 1805, supported Turkey against the Serbs, because they were encouraged by Russia. Thus, from the beginning Serbian interests

¹ M. Gavrilovitch, the eminent Serbian historian, informs me that one of the two lost barrels of documents, mentioned at p. vi, has, he hears, lately turned up at Agram.

were made the instruments of neighbouring states, and from the appointment of the Greek, Rodofinikin, as Russian resident at Belgrade, began that diplomatic game which, as at Athens under Otho, as at Durazzo under Wied, was a cause of demoralization to the countries concerned. It was Austria's 'interest'—to take one example—wrote a diplomatist in 1808, 'to trouble this country by intrigues and never allow it to enjoy tranquillity and justice'. It is, therefore, a great tribute to the superficially criticized Balkan states, that, despite the rivalries of the Great Powers, they have, after centuries of foreign misrule, made in so short a time so much progress.

Great Britain, who had no official representative in Serbia till 1837, appears only once during the Serbian struggle which ended in 1833 with the recognition by the sultan of Milosh Obrenovitch as hereditary prince of an enlarged Serbia. At the congress of Vienna the arch-priest Nenadovitch obtained an interview with Castlereagh's secretary, who told him that it was an awkward question for Great Britain, because she was on excellent terms with Turkey. The Serbian delegate replied that that was the very reason why the sultan would be more likely to listen to any recommendation that came from Great Britain. The British diplomatist answered that the Serbian petition was drawn up in German, 'which the English do not understand', and advised a Latin translation! A further interview was even shorter: Castlereagh, the British diplomatist said, had not had time to read the Serbian petition; but even if he had read it, he would have declined to meddle in such a delicate affair. A century later, Castlereagh's successor acted otherwise.

The respective attitudes of the two rival Serbian chiefs towards Greek independence is very striking. Kara George was a Hetairist, and eager to head an insurrection to free all the Balkan Christians from the Turks—the germ of the Balkan League of 1912; Milosh, looking to purely local interests, declined to collaborate with the Greek insurgents—the type of that policy of 'sacred egoism' which kept the Balkan states divided and kept Turkey in Macedonia. Further examples of foresight in Kara George were his congratulation of Napoleon on 'resuscitating Illyria, which our brothers inhabit' (p. 206), at a time when there was already a movement among the Hungarian Serbs for a big Serbia, and his refusal of the Austrian offer to make him a vassal prince of Serbia and Bosnia under Austrian protection (p. 317).

The venality of the Turkish ministers in their negotiations with Milosh is illustrated by some remarkable figures: on one occasion the ministers themselves submitted a list of the bribes which they wanted. Unfortunately, the settlement of 1833, like most diplomatic settlements, was incomplete, and contained the germs of further conflicts; for the quibble, by which the Turks were allowed to remain in the *town* of Belgrade, on the plea that it was also a fortress, caused the bombardment of 1862.

The value of this study is enhanced by the portions of treaties relating to Serbia during the period from 1812 to 1833, and by a map showing (a) the Pashalik of Belgrade in 1804, (b) Serbia after the settlement of 1833, (c) Serbia after the treaty of Berlin, and (d) Serbia after the third treaty of Bucharest in 1913.

WILLIAM MILLER.

History of the British Army. By the Hon. J. W. FORTESCUE. Vol. VIII, with a supplementary volume of maps. (London: Macmillan, 1917.)

THIS instalment of Mr. Fortescue's *History* covers the years 1811 and 1812, and is concerned almost entirely with events in the Peninsula. With the exception of a few pages on the doings of William Bentinck in Sicily, and a chapter and a half on the causes and opening events of the American war, there is nothing to take us away from Wellington, for the simple reason that 1810 had seen our arms victorious over both French and Dutch in outlying places, so that there was no need to plan new distant expeditions. In connexion with the American war we may think that it was a pity to print on the top of pp. 310 onwards the date 1812, for the friction caused by the Orders in Council between the United States and Great Britain is being discussed in the text, and the reader for the moment is confused when he reads 'July 2', which is July 1807 and not 1812. The straightforward narrative requires no criticism; it satisfies the keen student, yet does not offend the lover of Napier who is also perfectly aware that Napier, the pioneer, has his faults. Justice is done to Craufurd, whose retreat across the open plain near Fuentes d'Onoro, covered though it was by Cotton's horse, was a truly great exploit; yet his disobedience on another occasion is described as putting Wellington in serious danger, when 'it occurred to him readily that the commander-in-chief might be ill-tempered, never that Robert Craufurd could be in fault'. The issue at Albuera is attributed to the faulty French tactics, the divisions being crowded straight behind each other on drenched ground, but mainly to the 'incomprehensible' valour of the English (and one Welsh) battalions; this thought leads Mr. Fortescue on to some illuminating remarks on regimental pride which works miracles in times of danger; we had then 'a congeries of regiments' rather than an army, but, when their commander had got them into a tight place, 'this very exaggeration of regimental independence' pulled them through.

Very temperate and well-weighed are the judgements passed on Wellington's advance on Madrid after the battle of Salamanca, and on his failure at Burgos. It is suggested that even the moral advantage of the possession of the capital was counterbalanced by the direct challenge to the French which made them concentrate, regain Madrid, and drive him back to the Portuguese frontier; this was done, it is true, at the expense of the complete evacuation of Andalusia, but they were less formidable when they were scattered over the whole of Spain. The Burgos catastrophe is explained by the staleness of the army after ten months of incessant fighting, and in particular by the absence of the third and light-divisions who alone 'understood how to assault a breach'. The whole story of 1812 shows the enormous difficulty when an army, whose primary duty was to defend Portugal and after that to threaten the French in Spain, was pushed on, after its three conspicuous triumphs at Ciudad Rodrigo and Badajoz and Salamanca, to hold positions and attempt further successes too far from its base. It would be impossible to praise too warmly Mr. Fortescue's handling of these problems. He does not hurl his views at

his readers and demand that they should accept them, but argues thoughtfully even to the point of criticizing Wellington's strategy. After all, it was a great year, even if Wellington did at its close fall back as if baffled.

J. E. MORRIS.

Geschichte Europas von 1848 bis 1871. Vol. I. (*Geschichte Europas seit den Verträgen von 1815 bis zum Frankfurter Frieden von 1871.* Vol. VII; Part III, Vol. I.) Von ALFRED STERN. (1916.)

THE appearance of this notice of the last published volume of Professor Alfred Stern's standard *History of Europe from the Treaties of Vienna* has been unavoidably postponed; yet we would fain hope that its successor may speedily be in our hands. The steady progress of an historical work of this kind, especially one that has grown towards completion on a free and neutral soil, is of inestimable value to the students of later developments of European political life; and Professor Stern is to be specially congratulated on having been enabled, so far, to impart to his labours a unity of treatment which cannot in most instances be said to lag far behind the unity of conception belonging to the work as a whole. It would not be reasonable to expect all portions of the vast and varied ground covered even by the present single volume to be surveyed with the same thoroughness of research as those which deal with France, Germany, and Italy; while of Russian affairs we may perhaps look for a closer study in the volume which will deal with the Crimean war, and which, with the aid of fresh evidence at first hand, will also carry the fortunes of the Balkan lands into a more generally interesting stage. The grouping of the several parts of his comprehensive subject was not the least difficult part of the historian's task; and he has managed the transitions from chapter to chapter with really remarkable skill. He relieves a rather perfunctory account of Russo-Turkish complications by an animated section on the European emigration of the early fifties, beginning with Herzen and ending with Mazzini and the 'European Democratic Central Committee', and passes from the interesting passage on the injury done to the eminent Netherlands statesman, Thorbecke, by his supposed morigeration to the church of Rome, to a general chapter on the triumphs of that church, when on the eve of the suppression of its temporal power, to be followed by its advance of unprecedented claims.

What may be called the main sections of the volume thus fall naturally into their places. It begins with a narrative of French affairs from the morrow of the February revolution of 1848, to the election of Prince Louis Napoleon as president of the republic, and ends with a chapter continuing the story to the foundation of the Second Empire. Whither the current was tending we perceive from the first—when, during the discussions on the constitution of the republic, Tocqueville, as he afterwards confessed, was less interested in these than he was in the chances of seeing as soon as possible a vigorous chief at its head—to the last, when, a few months before the *coup d'état*, the same true friend of ordered liberty declared that outside the constitution there remained naught but revolutions or adventures. The party of order (the Whites), of which the

distilled essence was to be known as the party of the *Élysée*, was destined to master republicans both Blue and Red, and its policy was to prevail as the one thing needful. Thiers, who had thought to use the prince-president as a tool, was to be among the victims of the process of his seizure of despotic authority; and, when that process stood to be confirmed by a vote of the people, Montalembert was to be found declaring that to vote for Napoleon was to choose between him and the downfall of France. Professor Stern's narrative of the *dénouement* itself is clear and dispassionate. It owes nothing to Kinglake, who is not even mentioned at the foot of a page; but it has an impressiveness of its own, and, though in general matter of fact and concise, it finds room for such personal episodes as the rise of Saint-Arnaud to supreme military responsibility. On the other hand, among notable passages in the parliamentary history of the immediately preceding period, special attention is given to that concerning the educational law first proposed in June 1849, on which de la Gorce has already thrown light, and in which the versatile Thiers was found on the same side as the clerical champion, Dupanloup. The originator of the bill was Count de Falloux, the chief link between the prince-president and the ultramontane party, which through him exercised so important an influence upon French policy in the matter of the occupation of Rome.

From France, Professor Stern's narrative at an early stage turns to Germany and Austria, in order to tell once more the tale—tedious to many, heart-rending to some—of the progress and ultimate overthrow of the revolution, from the time when its firstfruits, the *Märzerrungenschaften* of 1848, had been hastily gathered in. He is rightly of opinion that the effects upon Europe at large of the February revolution of that year went much deeper than those of the July revolution of 1830; and that in Germany (including Austria) in particular it had in the name of constitutional liberty dealt effectual blows to the exclusion of all but a privileged class from an active share in the conduct of public affairs, and to a disregard of the interests of any class in the community. Not the less determined was the reaction of the years which followed upon Olmütz, though it could never reach the ruthlessness of that which had followed upon the war of liberation in the days of the Carlsbad decrees, or even of that of the period of the Six Articles and the Vienna conference. Metternich (except as a not wholly platonic adviser) and Frederick William 'the Just' were no longer on the scene; Schwarzenberg's chief interests, though it is true that in Austria the revolution had been more incisive than in Prussia, were other than internal matters, and him, too, death was soon to remove; while in Prussia, though the efforts of Stieber and Hinckeldey reproduced on less dignified lines the denunciatory action of Schmalz and his agents, the spirit of the government was not essentially reactionary.

In venturing on what may wear the appearance of a paradox, I am not thinking of the complex character and often inconsistent action of King Frederick William IV, whom it is not surprising to find here judged with much severity, as indeed he must be in any concise estimate, but of the statesmanship of Manteuffel, who (so to speak) has better reason

than his sovereign to complain of his censors. The amplitude of the documentary evidence concerning Otto von Manteuffel's official career should at least make it possible to judge him with fairness, unattractive though his personality may seem under certain aspects, especially when brought into contrast with the genius of Radowitz. Raised to power as the 'elephant-driver' of Brandenburg, and bound, like him, to have nothing in common with the revolution, Manteuffel had thrust upon him the task which his chief had been in a sense fortunate to escape by death.¹ Radowitz had been dismissed; the mobilization against Austria had been nothing more than a 'heroic gesture' on his part and the king's, and when Schwarzenberg granted the interview at Olmütz, Manteuffel went thither to capitulate. Opinions still differ as to whether Prussia, isolated as she was, could have been equal to a contest in arms; Professor Stern quotes Moltke and the future Emperor William as having been ready for war; but Bismarck, as well as the actual minister of war, thought differently; and, in any case, as Professor Stern shows, Prussia must have definitely thrown in her lot with the forces of democracy, if not of revolution, had she resolved to wage war with Austria and to provoke the greater power behind her. Such a resolution it was not for Manteuffel to form, and he acted patriotically in 'taking', as he soon afterwards phrased it, 'the shame of a compact with Austria upon himself'. Whatever, finally, may be thought of his conduct on this occasion, he incontestably showed spirit as well as judgement in the memorial which he addressed to the king, when, late in 1855, the latter thought of seizing the occasion of the election of a thoroughly docile chamber (the so-called '*Landratskammer*') to revise the constitution in a feudal sense by means of letters patent (*Freibrief*) issued by himself. Manteuffel, while warning his sovereign against violating without sufficient reason duties to which he had pledged himself by oath, laid his finger upon the real sores of the existing system of the government—including the interference of the sovereign in details, the bye-government of the Camarilla, and the action of the third power, the president of police. 'My belief in Prussia', he concluded, 'is shaken', and the resignation which he laid at the king's feet was by no means intended as a mere form.

It is with something like a sense of relief that we turn our eyes across the Alps from this seemingly hopeless picture, or from the really more desperate condition of the Austrian monarchy, after Schwarzenberg's death, with a government centralized in accordance with his plans by the indefatigable labours of Bach, or, again, from the other states of the Germanic Confederation, galvanized back into existence, with their Beusts, Dalwigks, Borrieses, and the rest. Professor Stern directs attention to the extraordinary force with which in Italy, where it had been in a measure anticipated by the Sicilian insurrection and by political concessions made by

¹ In some respects even Brandenburg's position had been less difficult than that of his predecessor Pfuël—he, too, a man of honour—who, with the Camarilla against him, had to mediate between the king and the Prussian National Assembly. On this head the present volume contains some interesting information from manuscript sources; see pp. 289 ff. and appendix iii (some sadly characteristic letters of Frederick William IV).

other governments besides King Ferdinand's, the February revolution of 1848, affected the political life of the people, and how here the strengthening of national feeling irresistibly plunged it into the midst of the struggle for independence and unity. And we come to understand, if we did not understand before, how in our own and other countries, while the interest in the political aspirations of Germany was fitful and incomplete, a sympathy not less wide than intense, and shared by many of our best and noblest, was from the first and throughout given to the land of Gioberti and Cavour, of Manin and Garibaldi. Nothing could be worthier of its theme than Professor Stern's narrative of the long and widening, and then again contracting but never subsiding, contest, and nothing more commendable than his endeavour to do justice to all the forces, at times conflicting, at times co-operating—from the unextinguishable flame in the soul of Mazzini to the manly tenacity, to which justice has perhaps not always been done, of King Victor Emmanuel. The story comprises many episodes of hope deferred and of action delayed—the fears of Charles Albert before the crossing of the Ticino and the manifesto of Lodi, and the hesitation of Tuscany ('always the last in the field', according to Ricasoli), made good at Curtatone and Montanara; and, after Custoza, the gradual collapse of Rossi's league-plan even before his death and the flight of the alarmed pope; followed, after Novara, the Peace of Milan, and the fall of the Roman republic, by the triumph of the reaction from Venice to Naples. But Sardinia—and herein lay her real claim to the national inheritance which she was to assume—held firmly 'not only to the national tricolore but to the constitution' threatened by the reaction at home, and asserted in season the independence of the state as towards the church expressed in the Siccardi laws. Thus, though the ministerial programme which was put forward at the end of 1848 by Gioberti, the philosopher proper of the *risorgimento*, and which depended on the co-operation of the people with the reformed governments, was not destined to be carried out as it had shaped itself in his mind, he died, nearly two years later, with the prophecy on his lips (in his last published work) of the regeneration of Italy as it actually came to pass, under the hegemony of the Sardinian government, and with the downfall of the temporal power. No political epic of modern history has evolved itself with the intrinsic completeness of the achievement of the long-delayed national unity of a free and independent Italy.

In a perusal of this volume not a few points will present themselves to many in a light made clearer by the close research of the writer, and by the comparative method followed by him; but on these we cannot here dwell. Of what he says of the progress of British national life in the period under treatment we have no reason to complain, though he might perhaps have entered more fully into some of the economic and social questions which constitute its main interest. He dwells at comparative length on the religious movement of which he regards the unfortunate Ecclesiastical Titles Bill as one of the outward signs, and describes the Roman propaganda as having continued in spite of the agitation provoked by that measure, 'every new Cathedral (?) testifying to the attractiveness of the Church of Rome'. Very curious is the reference to the progress of the same propaganda in the Scandinavian lands, of which one would have

liked to hear more, and to the papal brief and allocution of March 1853, which reorganized the catholic church in the Netherlands and took occasion to fulminate against the 'monstrosity and pestilence' of Jansenism. Of British foreign policy in this period we hear little except incidentally, though the writer is well posted as to the vicissitudes of the Palmerston régime at the Foreign Office, and, it may be noted, throws doubt upon the story of Palmerston's reasons for giving way to Russia in the matter of the London Protocol of 1852. And we are glad that he has a few sentences to spare for Cobden's agitation, fruitless though it seemed, begun in 1848 for disarmaments, and, more especially, for treaties establishing the principle of international arbitration—a principle as to which parliament and the constituencies required a longer education than they did as to the extension of parliamentary reform. In general, Professor Stern's trained accuracy renders him a safe guide in the topics which he touches,¹ but, in speaking of great national leaders or causes, he speaks with fit breadth of phrase as well as candour of judgement, and is borne along the mighty course of the eventful *quinquennium* which is the subject of his record by an unflinching sympathy with freedom and progress.

A. W. WARD.

The Early Diplomatic Relations between the United States and Japan, 1853-65. By PAYSON JACKSON TREAT, Ph.D. (Baltimore: The Johns Hopkins Press, 1917.)

THIS is a carefully framed narrative of American relations with Japan during the period covered by the title, based mainly upon official reports and other printed sources of information, the only new material being furnished by the manuscript collection of the late Robert H. Pruyn, United States minister in Japan from April 1862 to May 1865. It naturally gives the history of events from the American point of view, and justly dwells upon the eminently conciliatory and reasonable attitude of Townsend Harris, the first United States minister at Yedo. To an English reader it might appear that Sir Rutherford Alcock is treated with less than justice. He was undoubtedly a diplomatist of great courage and insight, as was proved by his consular career in China, and may be judged from the dispatches he wrote from Peking, whither he was transferred in April 1865, after the successful vindication of his policy in Japan by the course of events. It is true that his dispatches were often extremely long and verbose, but it was the fashion of those days. Only in more recent days, since the portentous increase in the amount of correspondence daily received at the Foreign Office, has it been found necessary to inculcate upon the diplomatic service abroad a greater economy of time and space in relating facts and offering opinions. The universal use of the telegraph for reporting matters of importance or dispatching instructions from home has undoubtedly influenced the style of dispatch-writing, and curtailed the amount.

The author quotes Mr. Griffis to the effect that Harris was 'brought up "to tell the truth, fear God and hate the British"', and all these things

¹ We may pardon him such petty slips of titulature as 'Lord Temple', 'Henry Grey', and 'Sir Stansfeld'.

he did all his life'. This last trait may explain how it was that his intercourse with his British colleague was never cordial, but it did not justify him, when negotiating his commercial treaty in 1856, in trying to persuade the Japanese ministers that 'England would desire to seize Saghalien, Yezo, and Hakodate', in order to defend herself against Russia, or in saying to them that 'England, dissatisfied with Admiral Stirling's treaty [with Japan], was ready to make war', or in suggesting that 'Siam had protected herself from England by making treaties with America and France'.

Dr. Treat tells us (p. 124) that 'it was not until 1863 that Pruyne was able to point out the absolute necessity of securing the Mikado's approval of the treaties, which indicates how far at sea the representatives were in the intervening years' [since 1859]. This necessity had been for at least a year the common topic of conversation among foreigners resident at the ports. Early in 1862 *An Open Letter* was published at Yokohama showing that the Mikado had not yet given his consent to the treaties made with the foreign Powers, and that foreigners must either leave the country, or must obtain from 'the only Ruler who is supreme in it' 'the full ratification of the rights and privileges they came there to enjoy'. Harris had believed (p. 200) that the treaties had been ratified by the Mikado, except so far as they related to Osaka, and he so informed his successor. Alcock, on the other hand, had been impressed with the lack of validity while travelling overland from Osaka to Yedo in June 1861. Colonel Neale and Mr. Winchester, successively in charge of the legation during Alcock's absence on leave in Europe, both reported to the home government that the Mikado's ratification was indispensable. It was not, however, until after the successful naval expeditions against Satsuma and Chōshū in 1863 and 1864, which convinced those two clans that it was more prudent to be friends with foreign Powers than to oppose them, and amicable relations developed between the leading men among the *samurai* and members of the foreign legations, that the idea became a part of practical politics. When Sir Harry Parkes arrived in Japan as minister he speedily began to act accordingly, and induced his colleagues of France, Holland, and the United States to join him in visiting the Tycoon's ministers at Osaka, and the result was that on this occasion the Mikado's ratification was obtained.

On p. 324 is quoted an interesting example of the way in which dispatches are sometimes edited for blue-books. Earl Russell in addressing Alcock, July 26, 1864, had written: 'There is another course of policy which appears preferable, either to precipitating hostilities, or to the abandonment of the rights we have acquired by our Treaties. This course of policy appears in conformity with the views so moderately and carefully expressed by the minister of the United States.' When this dispatch was published the second of these sentences was omitted. What was the reason for the excision is not easy to conjecture. Alcock gave to Pruyne a copy of the dispatch as he received it, which was printed in the *American Diplomatic Correspondence* for that year.

Although relating to a period somewhat later than that dealt with in the volume under review, I may perhaps be excused for placing on record an incident that has not yet been related in print. In the spring of 1866, being then interpreter to the British consulate at Yokohama, I wrote

for a local newspaper three articles discussing the treaties with the Tycoon, and after pointing out their inadequacy, proceeded to advocate the conclusion of a new treaty with the Mikado and the confederated *daimiōs*, of whom it then appeared probable that the future government of Japan would consist. My private teacher, a *samurai* of the Awa clan, translated these articles into Japanese for the information of his prince. They found their way into circulation, and in the summer of 1867, when the late Lord Redesdale and I were travelling together across Japan, we found the Kaga clansmen in possession of copies printed with movable wooden type, as was the usual practice at that time in the case of surreptitiously published books, under a Japanese title meaning 'The policy of England'. I am vain enough to fancy that this pamphlet contributed not only to the dislike of the Tokugawa officials for the British legation, but also to the friendly feelings entertained towards us by the majority of the clans, and enabled us to acquire an influential position.

There are a few slips to be noticed: On p. 91, 'Ship's articles', which properly means the roll containing the names of the crew, is enumerated among goods on which the import duty was fixed at 5 per cent. in Harris's treaty tariff of 1858. What is intended by this term, however, is 'All articles used for the purpose of building, rigging, repairing, or fitting out of ships'. On p. 84, the titles Shinano no kami and Higo no kami, which no more indicate territorial jurisdiction than modern English, Scotch, and Irish titles of nobility, are rendered 'Lord of Shinano' and 'Lord of Higo'; the former is repeated at p. 96. A similar mistake was committed by the historian of Admiral Perry's visits to Japan in 1853 and 1854, when he concluded by a show of forceful firmness the treaty which first brought that country in modern times into close relations with Occidental Powers, and gave an impulse to the patriotic movement that has achieved the present lofty position of Japan among the nations, and led to her political and military pre-eminence in the Far East.

An excellent and full bibliography has been appended, and an exhaustive index, for which Dr. Treat deserves the ample gratitude of students.

ERNEST SATOW.

Archaeologia Aeliana. Published by the Society of Antiquaries of Newcastle-upon-Tyne and edited by R. BLAIR. Third Series, Vol. XIV. (Newcastle-upon-Tyne, 1917.)

THIS year Corstopitum has disappeared completely from the *Archaeologia Aeliana*; that is a great loss, but there are certain compensations. Room has been left in this volume not only for the most important chapter of the serial (Dr. Greenwell's 'Catalogue of Durham Seals') which has yet appeared, and for elaborate notes on the Butchers' Company of Newcastle, with a 63-page list of the freemen's sons and apprentices, but also for an unusual quantity of deeds printed *in extenso* (not all, it must be confessed, of great interest), and some miscellaneous matter of high value. Perhaps the most attractive of the short articles is Dr. Gee's paper on 'A Durham and Newcastle Plot in 1663' (no. vi), a really dangerous conspiracy which was nipped in the bud so successfully that, though its occurrence may have been the chief cause of the Con-

venticle Act, it is barely noticed by historians, while all the actors in it are ignored in the *Dictionary of National Biography*. Then there are adequate biographical accounts of two northern antiquaries, John Brand the historian of Newcastle (1774–1806), with pedigrees of Brand and Wheatley (no. iii), and W. W. Tomkinson (1858–1916), the author of the most recent guide to the city and county, with bibliography (no. v). Nos. vii and viii also deal with family history; in the former Mr. W. Brown traces the devolution of the manor of St. Helen's, Auckland, through Conyers, Colville, Wandsford, Mauleverer, and Fulthorpe; in the latter, Dr. Dendy works out the Heton–Denton–Fenwick lines of Lowick, Ingram, Fenwick, and Cardew. Illustrative documents are appended to both papers. No. ix consists mainly of the foundation charters of the *Maison Dieu*, otherwise St. Katherine's Hospital of the Sandhill, and the chantry in All Saints Church, Newcastle, founded by Roger Thornton, who became a legendary hero, and afterwards under the patronage of the Lumleys. The interest is purely local; but some readers may be reminded of the fine Thornton brass preserved in All Saints, and would have been glad to see it figured here. The same author, Mr. J. C. Hodgson, describes clearly in no. iv a prehistoric barrow near South Charlton, Northumberland; and the other short paper (no. ii) is an adequate summary by Dr. Hepple of the main points which can be ascertained about early libraries and *scriptoria* in the north, the home of the Lindisfarne Gospels and the Codex Amiatinus.

Last and best comes the catalogue of the episcopal seals appended to Durham charters, with no less than twelve well-filled plates of really beautiful photographs: a few more occur in the text. Probably no line of bishops can show a finer series than that of the Palatinate, and here we have it set out, with many other fine examples at the cost of Dr. Gee, Mr. W. S. Corder, and other subscribers, by Mr. C. H. Hunter-Blair, who has also collated and annotated Dr. Greenwell's manuscript. The value of this instalment will be seen at once when we say that it includes every bishop of Durham from William of St. Calais to Tunstall; the descriptions and notes form by themselves a history of all classes of episcopal seals, tracing the development of such features as the lettering, the vestments, the hagiology, the private arms, and the architectural decorations. Some of these seals are fairly familiar, such as the superb design engraved for Richard de Bury (with which compare those of Archbishops Thoresby and Neville); but it is unlikely that anything so complete and exact as this illustrated catalogue has yet been published. The most valuable specimens from various other sees are also reproduced, but only York figures largely on the plates, though every seal is described with the same minuteness. The reproductions are made more valuable by being nearly always the exact size of the originals; and in this volume the instalment is complete in itself, and there is complete correspondence between the plates and the text. In fact the treatment is in every way worthy of the subject. Truly, 'amidst the tumult of conflicting nations . . . antiquarian pursuits shed tranquillizing influences upon the mind', not only by the presentation of objects of beauty and facts of curious interest, but by the methodical and intelligent study which is essential for dealing with them to advantage.

H. E. D. BLAKISTON.

The Records of the Western Marches. Published under the auspices of the Dumfriesshire and Galloway Natural History and Antiquarian Society. Volume I. *An Introduction to the History of Dumfries.* By ROBERT EDGAR. Edited with an introduction by R. C. REID. (Dumfries: Maxwell, 1915.)

ROBERT EDGAR, son of a Dumfries burghess, was born in 1669. He became a writer, and in 1701 was appointed clerk to the incorporated trades of Dumfries, a position which he held until 1746. Immediately after his resignation he seems to have begun his history, in which he intended to give an account of the rise of the corporations of the crafts of Dumfries. But unfortunately he only accomplished the first part of his design, a history of the burgh itself. This is of great value, in spite of Edgar's confused style, largely because of the light it throws upon the history of the internal administration of Scottish burghs, for which, as a rule, it is difficult to get any material except from official documents. His editor considers Edgar's account biased in its treatment of the conduct both of the magistrates and of the town clerks, but whether he is fair to individuals or not, his book is certainly an interesting indictment of the system of municipal government in Scotland, and illustrates the evils which were attacked by the burgh reformers of the later eighteenth century.

Of extant charters granted to Dumfries, the earliest is that of 1395, in which Robert III granted the burgh in feu farm to the provost, baillies, and community, but the burgh no doubt ranked as a royal burgh at an earlier date. There is little information about its constitution in the middle ages, but Edgar refers to the influence of the earl of Nithsdale on the council, which enabled him to get possession of the land and buildings of the Franciscan convent about 1540, and to the quarrel between crafts and merchants in the sixteenth century. In 1623 a decret arbitral was obtained to settle this dispute, fixing the representation of the merchants on the council at double that of the crafts. As usual, the magistrates and council elected their successors, and Edgar gives the names of the families—Cunninghams, Corsans, Irvings, McBriars, and others—in whose hands he declares that the magistracy was kept. The town clerkship, a lucrative office, was also in the hands of a faction. The loss of part of the common pasturage of the burgh and the alienation of some of the town property and revenue, of which Edgar gives details, were no doubt partly results of the monopoly of the administration by certain cliques. He also gives an account of the manipulation of the magistracy by James VII. The value of the history is much increased by Mr. Reid's very full and careful notes and genealogical tables and also by the appendices, containing a large collection of writs and charters relating to Dumfries, some common good accounts, and the custom books for 1578 and 1580, and also a pamphlet written in 1704 about an election to the town clerkship. All those interested in the history of the burgh and of families connected with it and with the county will find the notes and pedigree charts most valuable, and also the explanations of Edgar's description of the aspect of the town in the eighteenth century. Altogether, the volume is a very useful contribution both to local history and to Scottish municipal history.

THEODORA KEITH.

Short Notices

IN recent years French scholars have given considerable attention to the history of Norman monasteries, in the form either of comprehensive monographs, like M. Sauvage's excellent volume on Troarn, or of studies of monastic charters, such as M. Ferdinand Lot's searching examination of the early documents of Saint-Wandrille. M. J. J. Vernier's *Chartes de l'Abbaye de Jumièges (v. 825 à 1204) conservées aux Archives de la Seine-Inférieure* (two volumes, Société de l'Histoire de Normandie, Rouen, 1916) is a more modest undertaking in the same field. The documents are published, to the number of 247, from the best available texts, but without any critical discussion, and with no attempt to utilize them for illustrating the history of the abbey or of the period. The editor, who has been for some years in charge of the departmental archives at Rouen, has been compelled by circumstances to limit himself to the documents there preserved, so that he omits some material accessible elsewhere, such as the curious notice respecting certain of the Conqueror's chaplains published by Stapleton.¹ Fortunately the archives of Jumièges were transported to Rouen with little loss at the time of the Revolution, and the *fonds* still contains nine cartularies and a large body of originals. Of the earlier documents, the greater number were already in print; but the most comprehensive of these, the general confirmation of Duke Richard II, is published in full for the first time by M. Vernier (no. 12), who does not, however, discuss the puzzling question of its date and that of the related charters for Bernai and Fécamp. A charter of the next reign (no. 13) applies to Robert the Magnificent the phrase, *perversorum consiliis illectus*, which appears as the stock characterization in William of Jumièges and writers from Saint-Wandrille.² Other new documents are the long series of donations by the Conqueror and his followers (no. 32) and two originals of Robert Curthose (nos. 37, 38), with one of which has been preserved a separate bit of parchment certifying seisin 'per hoc lignum'. No. 49 (no. 156 of Mr. Round's *Calendar*), a charter of Henry I issued at Caen which the editor dates 1100-10, can be dated 1107-9, probably even 1108-9, because of the mention of Ranulf as chancellor and of Archbishop William, who died soon after Henry's return to England in 1109. The editor has not noticed that no. 61, interesting for the ducal *curia*,³ and no. 115, recording a session of an assize under Henry II,⁴ have been previously printed. As is usual in French publications of this sort, the identification of place-names receives special attention, and there is an elaborate index.

C. H. H.

¹ *Archaeologia*, xxvii. 26.

² *Ante*, xxxi. 259.

³ Cf. *ante*, xxiv. 212; Valin, *Le Duc de Normandie*, p. 260. ⁴ Valin, p. 271.

Signor Giuseppe La Mantia, who has written on the medieval institutions of Palermo, gives in *Messina e le sue Prerogative* (extracted from the *Archivio Storico Siciliano*, N.S., Anno xli, 1916) a useful account of the royal privileges obtained by the rival city. He makes it evident how dynastic wars were utilized by the trading town to extract desirable concessions. Emperor Henry VI, for instance, granted to the Messinese exemption from tax on their merchandise, perhaps renewing a cancelled charter of Roger II; and the Aragonese Frederick II in a charter of 1296, published here for the first time, established a general fair for which all custom dues were suspended. It may have been an attempt to bolster up the decaying commerce of Sicily, as well as a favour to the Messinese.

C. W. P. O.

Professor Tout has published a capital lecture on *Mediaeval Town-Planning* (Manchester: University Press, 1917), in which he compares the methods adopted in settling a new country and in attracting population. He takes as his particular examples the towns planted by the Teutonic knights in Prussia and Poland and the *bastides* or barrier fortresses, sometimes adjacent to old towns, which were established in south-western France in the thirteenth century. On the latter Mr. Tout writes with special knowledge. He points out the similarity of design which prevailed in these settlements, and supplies striking illustrations of it by means of a number of plans taken from books printed before modern changes came in. In England, Wales, and Ireland we may suspect that something like it was arranged in the plantations regulated by the 'law of Breteuil'. The city of Salisbury is a remarkable instance of a town which owed its origin to a single founder in 1220; but Bishop Richard le Poer's aim of preserving an ample area of open land behind the rows of houses in the streets has been defeated by the growth of the population. Edward I was active in establishing new towns, above all in Wales; but 'Kingstown on the Hull' and 'New' Winchelsea furnish more developed specimens, which Mr. Tout has worked out in detail. The lecture from end to end is full of interest.

J.

Dr. Theodore Calvin Pease's prize essay on *The Leveller Movement, a Study in the History and Political Theory of the English Great Civil War* (Washington: American Historical Association; London: Milford, 1916), is a very good piece of work, learned, accurate, and independent in its judgements. The author has thoroughly searched the pamphlet literature of the period 1640-60, and selects his illustrations extremely well. Like other writers on the movement, he makes Lilburne its central figure, though somewhat apologetically. Lilburne's importance and activity as a champion of the principles of the movement justify this. At the same time there is an interesting section on Walywyn, whose influence Dr. Pease rates much higher than previous writers have done, while candidly confessing that it is difficult to determine its extent or prove its reality (p. 242). Dr. Pease also brings out the significance of Henry Parker's pamphlets, but hardly appreciates the importance of the writings of Prynne and Selden. He omits to deal with the 'digger

movement', on the ground that it has been fully treated by Mr. L. H. Berens (p. 372), and does not explain adequately the attempt to find an historical basis for democracy and agrarian reform described at the time as 'Anti-Normanism'. These limitations do not diminish the value of what the book does give us, and it will be found useful by all historians of the Civil War. In a note on p. 324 the author discusses the authenticity of a pamphlet entitled 'A Discourse between Lieutenant-Colonel John Lilburne and Mr. Hugh Peter', and disagrees with Dr. Gardiner, who termed it a fabrication. We think that it is a report of an actual conversation, but, on the other hand, Lilburne's detailed accounts of what he and his interlocutors said cannot be implicitly trusted, either in this case or in others.

C. H. F.

Arlington's life needed writing, and Miss Violet Barbour has done it very well (*Henry Bennet, Earl of Arlington*; Washington: American Historical Association; London: Milford, 1914). The book shows wide and accurate researches: much unpublished material both at the Record Office and at Paris has been consulted. While Arlington's character is adequately drawn, great attention is devoted to the part he played in the domestic politics of the time: his struggle against the predominant influence of Clarendon is traced in detail, but the account of the intrigues of the four years which followed Clarendon's fall is of greater interest, and throws new light on a rather obscure part of the reign of Charles II. However, as a contribution to the history of English foreign policy, this biography possesses still greater value. It was in that sphere that Arlington's influence was greatest, and his knowledge of French and Spanish made him an indispensable instrument for Charles II. The limits of his influence are difficult to define; he had no hesitation in carrying out at the king's command schemes with which he was in little sympathy, but at the same time he influenced the king's decisions more than most of his ministers. Colbert de Croissy's conflicting opinions about Arlington's aims agree in saying that he possessed the complete confidence of his master (pp. 144, 191). Arlington endeavoured to conceal rather than display his power. 'My lord Arlington labours with all art imaginable not to be thought Premier Ministre,' wrote Lord Conway in 1668 (p. 142). Owing to these causes it has been rather difficult for historians rightly to estimate Arlington's real importance, and here the investigations of Miss Barbour will be of permanent service. Unluckily, the European history of the time is not sufficiently familiar to her; more than once her comments or explanations seem to show a failure to understand the full significance or the relative importance of the facts she mentions. In spite of this drawback, the life is a good piece of work, and well deserved the prize which the American Historical Association awarded to it.

C. H. F.

Professor C. E. Chapman's *Founding of Spanish California, 1687-1783* (New York: Macmillan, 1916), is one of the best books yet published on this subject, showing much research and considerable breadth of view. It is marred by the author's inability to omit what was unessential.

A full précis is given of each document, even when these run to twenty-seven paragraphs (pp. 383-5). As a result the author is unable to weave his material into a straightforward story. For instance, any fact relating to the second Anza expedition which is 'not discussed by Anza in his letters' (p. 351) is haled in afterwards out of its chronological sequence, but for what reason the author alone knows. The volume soon becomes an analysis of the correspondence of Antonio Bucarely, viceroy of New Spain from 1771 to 1779. As such it may be useful, but is not very readable. Facts which recur in divers documents are repeated in the text in each analysis (see pp. 175 and 246, 229-30, and 251, 287, and 291). Such repetitions should certainly have been avoided. The author also takes far too much for granted on the part of his reader. For instance, the map on p. 434 is quite insufficient, and a large modern map should have been given. The bibliographical notes are excellent, and add greatly to the usefulness of the book. Why no mention is made of James Burney's *Chronological History of the Discoveries in the Pacific Ocean*, 5 vols., 1803-17, is not clear; and the European reader would have preferred references to the press-marks in the *Archivo de Indias* rather than to Mr. Chapman's *Catalogue*, although a key list has been added on pp. 447-53. There is a useful index.

H. P. B.

Bolingbroke's *Letters on the Spirit of Patriotism and on the Idea of a Patriot King* have been reissued in a very prettily printed edition at the Clarendon Press (1917). The author's name does not appear on the title-page, and that of Mr. Walter Sichel is misspelt on p. iv. Mr. A. Hassall has prefixed a slight introduction, which perhaps was not required.

K.

Professor Edward Channing, having dealt with the colonial period of American history and the difficult years which followed the triumph of independence, proceeds in the fourth volume of his *History of the United States* (New York: Macmillan, 1917) to describe the progress of consolidation. For the greater portion of the period in question, Mr. Channing is under the disadvantage of following in the footsteps of historians such as Henry Adams and Admiral Mahan. The volume, however, has special qualities which well justify its appearance. Throughout it is characterized by a quick grasp of the essential in weighing evidence, by obvious impartiality, and by a happy gift of portraiture. John Quincy Adams 'had all the qualities of the Adamses and all the defects of those qualities'. 'Probably no man in our political annals achieved conspicuous political success so early in life' as Henry Clay, 'or failed so utterly to win the largest measure of fame.' The importance of the Louisiana Purchase, not only in adding to the material extent and resources of the United States, but also in strengthening 'national' ideals, and in affecting the course of future foreign policy, is clearly demonstrated.

Supposing for the moment that Louisiana had not been acquired in 1803, what would have become of the trans-Mississippi region in the nineteenth century? Would it have become another Mexico, or another Canada? or supposing that Napoleon

had remained obdurate and we had 'married the English fleet and nation'—as Jefferson had hinted we might. Would not to-day the peace of the world be beyond disturbance ?

The account given of the events that led to the war of 1812 is singularly impartial. Mr. Channing writes with natural indignation of the working of impressment as affecting the dignity and independence of the United States ; but he makes full allowance for the difficulty of Great Britain's position, and calls attention to the evidence given before a committee of the Massachusetts House of Representatives, which, if it is to be trusted, seems to reduce to small dimensions the amount of the grievance actually suffered. But, whatever may have been the immediate causes of the war, Mr. Channing recognizes that 'the United States plunged into a war with Great Britain at the moment when the fate of humanity was hanging in the balance—when it depended on her resistance to the all-embracing ambitions of the conquering Corsican'. The notes to the chapters contain a useful summary of the various Orders in Council and decrees issued by the British and French governments. It should be added that a special feature of the volume is the light thrown on social and economic conditions, especially in the South, by the use of such material as the Ellis-Allan papers at Washington. H. E. E.

In *Main Currents of European History (1815-1915)* (London : Macmillan, 1917) Professor F. J. C. Hearnshaw provides a suggestive introduction to the study of an eventful century. The choice of treatment by movements, rather than by states, is to be commended, though it leads sometimes to vagueness of outline or excess in generalization. Thus, in the enumeration of the causes which broke up the first coalition against France, no mention is made of the distracting influence exerted by the plans for the second partition of Poland, and there is only a casual reference (p. 71) to the third partition. The subsequent reference to the Peace of Amiens is too vague ; and the British annexations of Trinidad and the Dutch settlements in Ceylon, which occurred then, are, on p. 110, assigned to the changes of 1815. Exception may also be taken to the statement (p. 50) that the French Revolution proved itself 'powerless to build up a new social and political order' ; for, amidst its many political failures, it began to build a new social order. Equally open to criticism is the label 'conspiracy against the Constitution' applied to the months July 1790—autumn 1791 ; for the constitution was not fully completed until September 1791, and it was at once assailed by the legislative assembly which met on October 1. The narrative, however, proceeds more firmly after the first 115 pages, which form only an introduction to the remaining 245 pages dealing with the years 1815-1915. It is unfortunate that more space could not be given to the century named on the title-page ; but the accounts of the congress period and of the revolutions of 1830 and 1848-9 are quite adequate. Greater emphasis might, however, have been laid on the domineering instincts of the Magyars at the expense of the Slav subjects—an error destined to have far-reaching results ; and Mazzini's administration of the Roman republic of 1849 scarcely deserves the appellation 'a wild experiment' which 'wasted his energies'. In the four brief

references to the Crimean war, its important diplomatic and political results are not set forth. There follow short but spirited accounts of the European national movements of 1859-78, of the colonial expansion which supervened, and of the preparations of Germany for the present war. The survey is rapid but stimulating. It would, however, have been well to bring out more clearly the date and the chief terms of the Anglo-French Entente of April 1904. Here and there the chronology is inexact, e. g. the date of Königrätz should be ' July 3, 1866 ', not ' July 2, 1866 ' (p. 230); and the Boxer Rising was in 1900, not ' 1898 ' (p. 261). Serbia also took an earlier and more important part in forming the Balkan League of 1912 than is stated on p. 295. Mr. Hearnshaw's remarks on nationality (p. 156) are inadequate. The large amount of space given to the period 1789-1814 seriously cramps the account of the years 1815-1915; but within its limits, the narrative is effective and suggestive.

J. H. RE.

Of the two collections of Lord Acton's letters which have hitherto been issued, one is almost entirely limited to the time before the critical year 1870¹ and the other consists of letters written to a single correspondent between 1879 and 1886.² It is therefore a matter for congratulation that Dr. Figgis and Mr. R. V. Laurence should have undertaken the publication of a larger work, *Selections from the Correspondence of the first Lord Acton*, going through the whole of his life and including letters addressed to him by Cardinal Newman, Mr. Gladstone, and others (Vol. I, London: Longmans, 1917). Unfortunately the letters are not arranged chronologically but grouped under subjects, a plan which leads to great inconvenience and obscures the bearing of not a few of the letters. For instance, Lord Acton's letters on pp. 224, 225 are replies to Mr. Gladstone's on p. 228. The 'ecclesiastical correspondence' has a gap from 1863 to 1872, in order that the letters relating to the Vatican Council, which fill 74 pages, may stand by themselves. These letters indeed do not add very much to what can already be learnt from *Quirinus* and other sources, but the set of reports from Rome is full of interest. We cannot be too grateful for the reprint of Lord Acton's famous letters to *The Times* in 1874, which have hitherto been accessible only in the files of that newspaper; though the writer's fine sense of exact accuracy would have been offended by at least two misprints ('venerabilius' on p. 133, and 'eodem moda' on p. 139). A group of letters, pp. 57-66, illustrate the immense care which he took in preparing his article on Döllinger for this Review in 1890. The letters to and from Mr. Gladstone are a fresh evidence, if evidence were needed, of the statesman's wide interest in learning and theology, as well as in other things. We cannot but note, what was known from the letters to Mrs. Drew, the delicate but firm severity with which Lord Acton performed the duty of Mentor to him (see especially pp. 171, 180); and in the close intimacy between the two men lies one

¹ *Lord Acton and his Circle*, edited by Abbot [now Cardinal] Gasquet, O.S.B. [1906].

² *Letters of Lord Acton to Mary, Daughter of the Right Hon. W. E. Gladstone*, edited by Herbert Paul, 1904.

of the greatest charms of the correspondence. For Lord Acton's own biography the scheme of study which he drew out for himself when he was twenty (pp. 23-8) is of singular interest. We may compare the largeness of its aims with the limits to which he considered himself bound when in 1895 he accepted the professorship of modern history at Cambridge. It is instructive to observe that one so profoundly occupied with current politics should decide that 'teachable history does not include the living generation and the questions of the day, as Seeley maintained that it does' (p. 173). There are many letters which throw light upon political, outside ecclesiastical, matters on which, had we the space, we would gladly dwell. Many others, concerned with literature and theology, are full of value; but these lie beyond our range. To annotate the letters of Lord Acton satisfactorily would need an equipment almost as complete as his own, and we are not surprised that the editors have left a number of references unexplained. But had they studied the *Janus* literature they would have known that 'Huber' mentioned on p. 118 was Johannes Huber, a professor at Munich, who actively co-operated with Döllinger, and who died in 1879, and not the Austrian Professor Alfons Huber who lived until 1898. Nor should they have stated (p. 178 n.) that Lord Hartington accepted office under Lord Salisbury in 1887. Sometimes the notes identifying people mentioned in the letters are given in unexpected places: thus Madame de Forbin appears on p. 41 and Baader on p. 61; but they have to wait for explanation until pp. 117 and 289. And one wonders what bearing Hain's *Repertorium Bibliographicum* can have on Talleyrand (p. 284, n. 7). Lord Acton wrote to Lady Blennerhassett, 'You observe the golden rule, to state no fact without giving the evidence. But there is a silver rule, to give no unnecessary evidence' (p. 270). No admonition could be more suitably addressed to a writer living in Germany; but the editors have perhaps interpreted the 'silver rule' with excessive freedom. Not every one will understand that 'this man' on p. 191 is the Emperor Frederick. L.

Dr. J. Wickham Legg has still further increased the immense debt which students of liturgiology and church history already owed to him by the publication of his *Essays Liturgical and Historical* (London: Society for Promoting Christian Knowledge, 1917), in which he has collected various essays of his which were previously only to be found in reviews and other periodical literature. This book contains seven essays, four quite short and dealing chiefly with liturgical matters, such as the structure of collects, the carrying of lights in procession in church of England services, the survival of the Lenten veil in Spain and Sicily, and a most interesting sequence of liturgical colours in the early part of the twelfth century. The three remaining studies are longer, and if one of them (on criticism of the Roman liturgy by Roman Catholic authors) is concerned with liturgiology, that on the degradation of the Rev. Samuel Johnson from his priesthood in 1686 (reprinted from this Review, October 1914), and that on Archbishop Cranmer's form for blessing the pall, are of very great interest to students of church history. The last most valuable monograph

was contributed to the *Yorkshire Archaeological Journal* in 1898, and in dealing with the subject Dr. Legg was following in the footsteps of the late Dr. William Stubbs, bishop of Oxford, who first printed and edited the form in the *Gentleman's Magazine* for November 1860. In this last essay, Dr. Legg has here and there added a sentence to his monograph as originally printed and transferred a foot-note into the text, but otherwise the careful and learned study remains as it was, only accessible to a far larger public. Scholars and antiquaries will thank Dr. Legg for the service he has done by making these studies more widely known, and those who can claim to be neither scholars nor antiquaries will thank him for the model he gives them in these essays of how such work should be done, with minute accuracy, wide learning, and yet with human interest.

S. L. O.

Mr. J. W. Jeudwine's *Tort, Crime, and Police in Mediaeval Britain* (London: Williams & Norgate, 1917) has many of the merits and all the defects of his *Manufacture of Historical Material*, issued in 1916.¹ Among the latter we regret to note a distinctly increasing measure of incoherence, a defect which has now assumed such proportions that it is questionable whether any reader can take away many consecutive impressions from so desultory and ill-planned a work. This is the greater pity since Mr. Jeudwine could do much better if he would only set before himself a precise object in writing and stick severely to it. Our advice to Mr. Jeudwine is to write no more for publication until he has something definite to say. A series of *obiter dicta* hardly make a book.

T. F. T.

Historians of law, like Sir Henry Maine, have long ago pointed out the serious imperfections in Austin's doctrine of sovereignty. The criticism of Mr. Harold J. Laski in his *Studies in the Problem of Sovereignty* (New Haven, Connecticut: Yale University Press, 1917) is more radical. He desires to replace the 'monistic' conception of the state by one which he terms pluralistic. Yet his work relates itself to that of earlier critics. In all cases the objections to Austin's conception were based on the same ground. It is too abstract and shows no sense of the fact that the parts of the state are living wills, not cogs in a machine. Austin, it has been suggested, derived his notion of law from an English criminal statute. But the whole doctrine of sovereignty is really a deduction from a single idea—that of unity. Mr. Laski protests against this in the name of the reality of the individual and the group. Like the earlier critics he supports his arguments by historical illustrations. First of all we have the valuable essay on 'The Political Theory of the Disruption' which we have already noticed.¹ There follow chapters on the Oxford movement, the Catholic revival in England, the theories of De Maistre and Bismarck. With the religious content of these movements Mr. Laski has nothing to do. He is concerned with their political import; and that he shows to be always the inadequacy of the Austinian doctrine of the unitary state. In other words, as the appendix on Federalism shows, the

¹ See *ante*, vol. xxxii. 305.

¹ *Ante*, vol. xxxii. 315.

federal idea (if not federalism strictly) so far from being contrary to the true state is integrally bound up with it; and no state can be successful which treats itself as pure authority ruling over slaves. The state is to be conceived not as power, but as freedom. The freedom alike of individuals and still more of groups must be an essential fact, not a 'transient and embarrassing phantom' created by the state for its own ends. The following passage gives his notion:

To construct a satisfactory theory of the State, we must be equipped with a psychology that is realistic. We must deal with men as they are and desist from the seductive temptation to deal with men as they would be, could they but be induced to appreciate the force of our ideas. For we are given variety and difference, as the basis of our political system, and it is a world that takes account of them that we must plan. Race, language, nationality, history, all these are barriers that make us understand how fundamental are the natural limits to unity.

This is true. But Mr. Laski destroys better than he constructs. Many have begun to see what the state is not. It is not so easy to get clear what it is. This volume professes to be no more than an instalment. Doubtless as time goes on Mr. Laski will develop still further the implications of group-personality. In this review it is not possible to criticize adequately the political philosophy of the author. What is pertinent here is the impact of historical inquiry on that theory of legal foundations which, useful for a time, like the Divine Right of Kings (one of its early forms), is now largely obsolete.

J. N. F.

In no. 12 of the *Proceedings of the Royal Irish Academy*, Vol. XXXIII (C.) (Dublin: Hodges & Figgis, 1917), Mr. T. W. Westropp continues his account of 'Certain Typical Earthworks in County Limerick', the first instalment of which was noticed *ante*, vol. xxxii, p. 143. He also writes on 'The Ancient Sanctuaries of Knockainey and Clogher' (vol. xxxiv, no. 3). These places seem undoubtedly to be religious sites connected with Irish mythological and legendary literature. Such sites, marked by existing earthworks, are more numerous in Ireland than is generally known or suspected, while the wealth of the primitive literature of Ireland, associated as it generally is with definite recognizable sites, makes the country a promising field for obtaining archaeological evidence bearing on her pre-Christian religious observances. Professor R. A. S. Macalister describes a runic inscription which he discovered on a stone built into the wall surrounding the cathedral precincts at Killaloe (no. 13). It reads (translated) 'Thorgrim raised this cross'. The stone appears to have formed the dexter arm of the cross so raised. Curiously enough, considering the long period of Scandinavian occupation, this is the first runic inscription on stone found on the mainland of Ireland. The only other runes hitherto found in Ireland are three characters on a stone in the Blasquet Islands and an inscription on 'a slip of silvered bronze' found 'in the earth of a Norman motte, which seems to have been adapted from an older tumulus'. Partly on palaeographical evidence and partly from historical considerations, Dr. Macalister refers the new inscription to about the first half of the eleventh century. Mr. E. C. R. Armstrong (no. 16) considers it certain that bronze celts were manufactured in Ireland, but inclines

to think that the art of alloying copper with tin was derived from Spain. The archbishop of Dublin gives (no. 17) a transcript of a charter in the British Museum (Add. MS. 4783, f. 28) by which King John confirmed a testament of William Marshal, earl of Pembroke, making provision for the performance of his vow to erect a Cistercian abbey in Ireland. This, Dr. Bernard shows, refers to Tintern Minor, the 'monasterium de voto', in County Wexford, and must be dated 3 December 1200, thus confirming the date given in some Irish annals for the earl's perilous voyage to Ireland when the vow was made. The actual foundation-charter can hardly be dated before 1207. The provost of Trinity College, mainly from negative evidence, comes to the unexpected conclusion that the ass, now universally used as a beast of burden in Ireland, was not so used before about the year 1780 (no. 18). Mr. W. F. De Vismes Kane returns to the subject of 'The Black Pig's Dyke' (no. 19), an entrenchment believed to have bounded the ancient kingdom of the Ulaid. Partly by actual remains, but largely by traditional accounts and by place-names involving the terms *muc* 'a pig' or *sonnach* 'a rampart', he traces the dyke in three lines, marking perhaps three successive stages in the curtailment of the kingdom. Lastly, we may note that the Rev. Patrick Power deals with the place-names and antiquities of south-east Cork on the lines followed in his *Place-Names of the Decies*, reviewed in these pages *ante*, vol. xxiii. 415.

G. H. O.

The *Nuovo Archivio Veneto* for last July (tom. xxxiv. 1) contains a brief notice of Count Carlo Cipolla, who died on 23 November 1916, and a catalogue of his publications. Those who know him mainly for his important books relative to the Venetian lands and Verona and Novalesa will be surprised at the wide range over which his studies extended. The list here printed comprises 427 works, large and small, not to speak of more than four hundred reviews of books. The last volume which the count published was the second part of his edition of the works of Ferreto de' Ferreti, noticed in this Review in 1916 (vol. xxxi. 181).

M.

The late Captain L. J. Trotter's sketch of Indian history, *A History of India from the Earliest Times to the Present Day*, first published in 1874 and revised by the author twenty-five years later, is a sound piece of work, with a sureness of touch due to his intimate acquaintance with the country and its peoples. A third edition has now been brought out under the care of Archdeacon Hutton, who has continued the narrative down to the imperial durbar of 1911 (London: Society for Promoting Christian Knowledge, 1917). The antiquated woodcuts of the previous editions have been replaced by twenty-two full-page illustrations, well chosen and admirably produced; four historical maps have been added, and the text has been set in a larger type. The result is a handsome volume, fully worthy of its contents.

N.

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The Office of Sheriff in the Early Norman Period

THE generation after the government of England was assumed by Norman officials was the time at which the sheriff's power was at its highest. It was the golden age of the baronial shrievalty, the period during which the office was generally held and its tradition established anew by the Conqueror's comrades in arms. The strength of William of Normandy was in no small measure derived from this latter fact. The sheriff in turn profited from the vast access of power which the turn of events and the insight of experience had brought to the king. With the exception of the *curia regis*, the greatest institution at the king's disposal was now the shrievalty. It is the aim of the present article to trace the activity and development of the office in this period for which no systematic detailed study of the subject now exists.¹

There was a strong likeness between the English sheriff and the Norman *vicomte*, and the conquerors naturally identified the one with the other.² As the English of the chancery gave place

¹ Stubbs treats the Norman shrievalty in an incidental fashion, covering only its barest outlines (*Constitutional History*, 6th edition, i. 127-8, 295, 299, 425-30). Dr. Round in his various works throws much light particularly upon its financial and genealogical aspects (*Feudal England*, pp. 328-31, 422-30; *Commune of London*, pp. 72-5; *Geoffrey de Mandeville*, especially appendix P; and numerous chapters in the *Victoria History of the Counties of England*). Mr. Stenton (*William the Conqueror*, pp. 420-4) has treated briefly but with insight and originality the changes in the office brought by the coming of the Normans. Writers both upon constitutional and social history have usually directed their attention to the county court rather than to the local representative of Norman autocracy. The best brief account of the constitutional position of the Norman shrievalty is by Dr. George B. Adams, *The Origin of the English Constitution*, pp. 72-5.

² On the Norman *vicomte* in the time of William the Conqueror see C. H. Haskins, 'Normandy under William the Conqueror', *American Historical Review*, xiv. 465-70

to Latin *vicecomes* became the official designation; the title *viceconsul* is sometimes found.³ In the Norman-French of the period the sheriff is the *vescunte*,⁴ a name which in the legal language of later times becomes viscount. The employment of Normans in the office gave effect to their administrative ideas. Changes in the shire system soon made the sheriff, like the *vicomte*, the head of government in his bailiwick. At first sight he seems a *vicomte* rather than a *scirgerefa*.⁵ Yet the Conqueror did not boldly transplant the Norman office.⁶ The legal basis of his shrievalty was that of Edward the Confessor. The history, character, and tradition of the English county were very different from those of the Norman *vicomte*. The Norman official had greater advantages and importance in the capacity of sheriff than in that of *vicomte*. The greatest change, moreover, was in the new power behind the sheriff.

It was in accordance with the position claimed by King William as the heir of King Edward that he retained in office a number of English sheriffs, for a time demanded by administrative necessity. Edward's sheriffs who had served during the few months of Harold's rule seem to have been considered in rightful possession of their shires unless they had resisted the invasion. Godric, the sheriff of Berkshire who fell fighting with Harold, is mentioned in Domesday Book as having lost his sheriffdom,⁷ presumably, as Freeman suggested,⁸ because the office was regarded as *ipso facto* forfeit when its occupant moved against William. Oswald, the sheriff of Kent, also lost his office,⁹ and the proximity of his shire to the place of conflict as well as the known hostility of the Kentishmen to William¹⁰ suggests the same explanation. Esgar, sheriff of Middlesex, who as staller seems to have commanded against the Normans after the battle of Hastings, was not only superseded by a Norman in his office¹¹ and his lands,¹² but is said to have suffered lifelong imprisonment.¹³ In regions more remote from the conflict Englishmen remained in office. Their names,

[*Norman Institutions*, 1918, ch. i]. The shrievalty of the Anglo-Saxon period is treated by the present writer, *ante*, xxxi. 20-40.

³ Domesday Book, iv, fo. 312 b.

⁴ *Leis Willelme*, 2, 1; 2, 2 a, in Liebermann's *Gesetze*, i. 492, 494.

⁵ This is well brought out by Mr. Stenton, *William the Conqueror*, p. 422.

⁶ The personnel of the two offices was of course different. Roger of Montgomery, viscount of the Hiemois (Ordericus Vitalis, *Hist. Eccles.* ii. 21) became an earl in England.

⁷ D. B. i. 57 b.

⁸ *History of the Norman Conquest*, iv. 729. Godric's lands were seized and granted to a Norman with the exception of the single hide given to his widow for the humble service of feeding the king's dogs: D. B. i. 57 b; cf. Freeman, iv. 37.

⁹ D. B. i. 2 b.

¹⁰ Ordericus Vitalis relates that after the battle of Hastings they came to terms with William and gave hostages: *Hist. Eccles.* ii. 153.

¹¹ See note 51.

¹² See D. B. i. 129, 139 b.

¹³ *Liber Eliensis*, p. 217.

therefore, throw light on Harold's last campaign. Edric was still sheriff of Wiltshire in 1067¹⁴ and Toid or Tofig of Somerset apparently as late as 1068.¹⁵ Alwin or Ethelwine of Warwickshire¹⁶ and Robert fitz Wymarc¹⁷ both remained in office; and the latter, if not the former as well, was succeeded by his son. Marloswein or Maerleswegen, whom Harold had left in charge of the north,¹⁸ retained his position in Lincolnshire until he joined the Danes in their attack on York.¹⁹ The names of several others who continued in office are probably²⁰ to be added. There is evidence that the families of Toli,²¹ the Confessor's sheriff of Norfolk and Suffolk, and Elfric, his sheriff of Huntingdon,²² enjoyed King William's favour. So few of Edward's sheriffs are known that their importance to William and his attitude towards them is evident.

But changes in the shrievalty were rapid. By 1071 it is rare to find an Englishman continued in the office.²³ By 1068 there

¹⁴ Round, *Feudal England*, p. 422; Davis, *Regesta*, i, no. 9.

¹⁵ Davis, *ibid.*, nos. 7, 23.

¹⁶ Alwin appears as sheriff in a document which Eyton ascribes to the year 1072 (*Salt Arch. Society Publications*, ii. 179). He was permitted to acquire land by special licence of the Conqueror (D. B. i. 242 b). His son Thurkil seems to have been sheriff of Staffordshire (*Salt Soc. Publ.* ii. 179; Davis, *Regesta*, i, no. 25). His style, Turchil of Warwick (D. B. i. 238), suggests that he may have succeeded to the shrievalty of his father (Freeman, *Norm. Conq.* v. 792). He became an important tenant-in-chief: D. B. i. 240 b; Ballard, *Domesday Inquest*, p. 100.

¹⁷ Robert fitz Wymarc had been staller to King Edward, and is said to have sent to William the news of Stamford Bridge (Freeman, *Norm. Conq.* iii. 413, n. 3). He was succeeded by his son, Swein of Essex, before 1075; Davis, *Regesta*, i, nos. 84-6. Eyton dated his death or superannuation 1071-2: *Shropshire Arch. and Nat. Hist. Society Publications*, ii. 16.

¹⁸ Gaimar, *Estoire des Engles* (Rolls Series), l. 5255.

¹⁹ *Anglo-Saxon Chronicle*, a. 1067, 1069; see Davis, *Regesta*, i, no. 8.

²⁰ Cyneward (Kinewardus) was sheriff in Worcestershire, but mention of him in 1072 (Heming, *Chartulary*, ed. Hearne, i. 82; Thorpe, *Diplom.*, p. 441) hardly proves his occupation of the office at that time, as Mr. Davis (*Regesta*, i, no. 106) assumes. See Freeman, *Norm. Conq.* v. 763. The statement of William of Malmesbury (*Gesja Pontificum*, p. 253) that Urse was sheriff when he built the castle at Worcester, which was before 1069, makes it probable that the English sheriff was superseded by Urse d'Abetot at an earlier date. The names of Swawold, sheriff of Oxfordshire in 1067 (Parker, *Early History of Oxford*, Oxford Historical Society, p. 301; Davis, *Regesta*, i, no. 18), and of Edmund, sheriff of Hertfordshire (*ibid.*, no. 16), suggest that they may be sheriffs of King Edward who were not displaced. One Edwin, who had been the Confessor's sheriff in an unknown county, was probably retained for a time (D. B. i. 238 b, 241): *H. tenet de rege et III hidas emit ab Edwino vicecomite* (*ibid.* i. 157 b).

²¹ Toli seems to have died about 1066. His successor, Norman, may have been the same person as King Edward's sheriff of Northampton: Kemble, *Cod. Dipl.*, nos. 863, 904. As to Norman's shrievalty in East Anglia see D. B. ii. 312 b; Davis, *Regesta*, i, no. 41; Round, *Feudal England*, pp. 228-30. Toli's widow was still a tenant in Suffolk in 1086 (D. B. ii. 299 b).

²² Elfric's wife and sons were permitted to retain the manor he had held: D. B. i. 203. This Aluric may have been the same as Aluric Godricson, named in 1086 as formerly sheriff of Cambridgeshire: *ibid.* i. 189.

²³ Moreover, Swein of Essex and Thurkil of Warwick (above, notes 16, 17), despite their names, are to all practical intents Norman barons.

were Norman sheriffs in fortress cities like London and York, and apparently in Exeter and Worcester.²⁴ Furthermore, gradual changes in the constitution of the shire added greatly both to the power and the dignity of the office. Whether or not the bishop for a time continued as a presiding officer of the county court,²⁵ the establishment of separate ecclesiastical courts²⁶ soon turned his interest in another direction. The earldom also quickly lost its old significance.²⁷ Domesday Book still carefully records the earl's rights and perquisites, but to all appearances no earl remains except in Kent and a few counties of the extreme west and north.²⁸ In Kent the sheriff was certainly the creature of the king, rather than of Earl Odo.²⁹ In the palatinates of Chester³⁰ and Durham³¹ the sheriff was long to be the official of the earl and of the bishop respectively. The Montgomery earls in Shropshire,³² and probably for a short time the Fitz Osbern earls in Herefordshire,³³ and Count Robert of Mortain in Corn-

²⁴ See below, p. 162 and notes.

²⁵ The present writer does not believe with Mr. Davis (*Regesta*, i, 7) that mention of the bishop's name in writs to the county court demonstrates his actual presidency of that body. There is too much evidence of the sheriff's activity. See pp. 158-9.

²⁶ See Liebermann, *Gesetze*, i. 485.

²⁷ In the counties of Derby, Nottingham, and Lincoln the earl is mentioned in 1086 as if still existent: D. B. i. 280 b, 336 b. In Yorkshire the earl may recall persons who have abjured the realm, and proclaim the king's peace: *ibid.* i. 298 b. In Worcester the earl is still said to have the third penny: *ibid.* i. 173 b. But there is no earl.

²⁸ This striking result was due to the merger of the earldom of Wessex with the Crown, the extinction of the earls of the house of Godwin, the disappearance of Edwin and Morcar by 1071, and finally the revolt of 1075, leading to loss of rank for Roger fitz Osbern and Ralph Guader, the heads of two newly created earldoms, and to the execution of Waltheof, the last surviving English earl.

²⁹ Concerning Haimo, the sheriff, see note 48. He was in office before, though probably not immediately before, the arrest of Odo in 1082, and held the position for years after the earl's overthrow. His family and that of his brother, Robert fitz Haimo (note 71), remained loyal to William Rufus during the great feudal revolt of 1088 in which Odo was involved.

³⁰ The earl of Chester held of the king the whole shire except what belonged to the bishopric: D. B. i. 262 b.

³¹ The bishop of Durham had his own sheriff at least as early as Ranulf Flambard's time: Lapsley, *The County Palatine of Durham*, pp. 80-1. Compare Symeon of Durham, ii. 209.

³² Freeman, *Norman Conquest*, iii. 501; Davis, *England under the Normans and Angevins*, p. 517. Earl Roger held Shrewsbury and all the demesne which the king had held in the county. It is obviously he who renders to the king the *ferm* of three hundred pounds one hundred and fifteen shillings for the city, demesne, manors, and pleas of the county and hundreds (D. B. i. 254). Compare the farming of county revenues in Cheshire by the earl (*ante*, xxxi. 33). The sheriff at Shrewsbury was the earl's official (Davis, *l. c.*). The shrievalty was successively held by the two husbands of Roger's niece, Warin the Bald and Rainald: Ordericus Vitalis, *Hist. Eccles.* iii. 29 and n. 6; D. B. i. 254-5.

³³ Heming (*Chartulary*, i. 250) regards Radulf de Bernai (D. B. i. 181), the sheriff, as the henchman of William fitz Osbern; but this could only have been previously to 1075.

wall,³⁴ appointed and controlled the sheriff. In the reign of William Rufus the sheriff of Northumberland was the relative and steward of Earl Robert Mowbray.³⁵ But elsewhere the subordination of the sheriff to the earl was ended. The burghal third penny generally passed from the earl's into the king's hands,³⁶ and, as if to emphasize the change, it was occasionally regranted to a sheriff.³⁷ Except in rare cases like those just mentioned, and soon limited to the palatinates, earls after 1075 did not as such hold administrative office.³⁸ It was the sheriff and not the earl³⁹ who had charge of public justice and the maintenance of the peace,⁴⁰ and the earl's military headship of the shire was at an end. The conquest of Carlisle from the Scots in 1092 was followed by the appointment of a sheriff.⁴¹ Soon after 1066 a county was being called a *vicecomitatus* or sheriffdom.⁴² Unobscured by any greater official the sheriff now stands out as the sole head of the shire.

The importance and power of the Norman shrievalty were further enhanced by a tenure of office usually long and by a personnel of remarkable character. The removability of the

³⁴ Robert held of the king, his brother, almost the whole shire. Thurstin, the sheriff, held land of him (D. B. iv. 204 b, 234 507 b), and as *Tossetin vicecomes* witnessed one of his charters (*Monasticon Anglicanum*, vi, pt. 2, p. 989). Mr. Davis thinks (*Regesta*, i, p. xxxi) that Cornwall could not have been a palatinate as late as 1096, when Warin, the sheriff, is addressed by the king in a writ of the form (*ibid.*, no. 378) usually addressed to county courts.

³⁵ Davis, *England under the Normans and Angevins*, p. 105; *A.-S. Chronicle*, a. 1095. Roger the Poitevin, son of Roger of Montgomery, had a *vicecomes* when his brother Hugh was earl (*Monasticon*, iii. 519), apparently in the region between the Ribble and the Mersey (Freeman, *William Rufus*, ii. 57). It is to be observed, however, that the heads of feudal baronies sometimes had *vicecomites* of their own. See Round, *Calendar of Documents in France*, no. 1205; also 'Some Early Sussex Charters', in *Sussex Archaeological Collections*, vol. xlii.

³⁶ This was true of the burghal third penny at Bath (D. B. i. 87), and in the boroughs of Wiltshire (*ibid.* i. 64 b), and must have held for Worcester (note 27) and Stafford (D. B. i. 246). Bishop Odo has revenues at Dover which appear to be derived in part from the third penny which Earl Godwin has held (*ibid.* i. 1), but he is not rightfully entitled to Godwin's portion of certain dues at Southwark (*ibid.* i. 32). The record concerning Northampton and Derby shows that the third penny might not be appropriated without grant (*ibid.* i. 280 b).

³⁷ Baldwin was the recipient of the third penny at Exeter, Hugh of Grantmesnil at Leicester (see Ballard, *Domesday Boroughs*, p. 37, n. 6), and Robert of Stafford at Stafford (D. B. i. 246).

³⁸ The old practice of conferring the third penny upon them and of naming them in writs to the county court has become mere form.

³⁹ For the theory of the Anglo-Saxon period see *ante*, xxxi. 27.

⁴⁰ Below, pp. 158-9.

⁴¹ Davis, *Regesta*, i, no. 478; *Monasticon Anglicanum*, i. 241.

⁴² Herman's *Miracula Sancti Eadmundi*, written about 1070, has *Acrfasto duarum Eastengle vicecomitatum episcopo*: Liebermann, *Ungedruckte Anglo-Normannische Geschichtsquellen*, p. 248. In the Domesday inquest for Bedfordshire appears the expression, *Omnes qui iuraverunt de vicecomitatu* (D. B. i. 211 b); and in the record of the judgement in the case of Bishop Wulfstan against Abbot Walter, 1085-6, we read *iudicante et testificante omni vicecomitatu* (Heming, *Chartulary*, i. 77).

sheriff was still an effective principle, the usefulness of which by no means ended with its application to the cases of English sheriffs who fought for Harold. William dismissed from the office Normans of no little importance.⁴³ Yet the *crementum* or sum of money occasionally paid for the privilege of farming the shire⁴⁴ seems to represent a bid for the appointment. The influence of feudal usage was also strong. It has been held justly that William I could not have dismissed sheriffs wholesale as did Henry II without risking a feudal rebellion.⁴⁵ The Norman viscounty was, in some instances, hereditary.⁴⁶ The sheriff was appointed for no specified term, and the tendency of the age was to treat offices like fiefs.

Personal claims to the king's friendship or gratitude did much to lengthen the tenure of office. The leading sheriffs of the Conqueror often held office for life, and some of them survived until the reign of Henry I.⁴⁷ A few who stood especially high in

⁴³ Among these was Froger, sheriff of Berkshire: *Chron. Monast. de Abingdon*, Rolls Series, i. 486, 494. About 1072 Ilbert lost the shrievalty of Hertfordshire: D. B. i. 133. For the date compare Round, *Feudal England*, pp. 459-61, with Liebermann, *Gesetze*, i. 485. Swein of Essex lost his place, to be followed by Ralph Bainard (D. B. ii. 2 b). This was before 1080 (Davis, *Regesta*, i, no. 122). The latter by 1086 (D. B. ii. 1 b) had been superseded by Peter of Valognes, who was sheriff of Essex (*Vict. County History of Essex*, i. 346). Peter, Swein, and Ralph were all Domesday tenants-in-chief.

⁴⁴ See below, p. 167.

⁴⁵ Stenton, *William the Conqueror*, p. 423.

⁴⁶ See Haskins in *American Histor. Rev.* xiv. 470 [*Norman Institutions*, p. 47].

⁴⁷ Haimo, who has been identified as son of Haimo Dentatus, slain at Val-es-Dunes (Freeman, *William Rufus*, ii. 82; *Norman Conquest*, ii. 244, 257), and who was a distant relative of William the Conqueror (see *Dict. of Nat. Biogr.*, art. 'fitz Haimon, Robert') and *dapifer* both to him and to William Rufus (Davis, *Regesta*, i, nos. 340, 351, 372, 416), is mentioned as sheriff of Kent about 1071 (Bigelow, *Placita Anglo-Norm.*, p. 8) and also in 1086. Though apparently superseded in the period 1078-83 (Davis, no. 188; no. 98 shows that he was sheriff in 1077), he seems later to have remained in office until his death, which Mr. Davis shows was in 1099 or 1100 (*ibid.*, nos. 416, 451). He was succeeded both in his household office (*Monasticon Anglicanum*, v. 100, 149; *ante*, xxvi. 489) and his shrievalty (*Monasticon*, i. 164; iii. 383; Round, *Cal. of Documents in France*, no. 1378) by another Haimo, who was undoubtedly his son. The elder Haimo was one of the king's special envoys at the inquest made on the oath of three shires at Keneteford in 1080 (Davis, no. 122).

Roger Bigod, probably son of a knight closely attached to the fortunes of the Conqueror (*Dict. of Nat. Biogr.*, art. 'Bigod, Hugh'), became the greatest noble in East Anglia and *dapifer* to William II. He was sheriff of Norfolk by 1069 (Davis, *Regesta*, i, no. 28), sheriff of Suffolk for two different terms (D. B. ii. 287 b) prior to 1086, as well as under Henry I (*Cartul. Monast. de Rameseia*, Rolls Series, i. 249), and Domesday sheriff of both counties. He was present in 1082 at a trial held before the king in Normandy (Davis, *Regesta*, i, app. xvi). For his share in the rebellion of 1088 he apparently lost his estates temporarily (*Victoria County History of Norfolk*, ii. 469), and surrendered his office for a time to Herbert, the king's chamberlain (Davis, *ibid.*, no. 291 and app. lxii), but he served as sheriff later than 1091 (Goulburn and Symonds, *Letters of Herbert de Losinga*, p. 170; *Memorials of St. Edmund's Abbey*, Rolls Series, i. 79, 147), and probably until his death which occurred in 1107 (Ordericus Vitalis, *Hist. Eccles.* iv. 276). The title of earl was gained by his son.

Urse d'Abetot, a trusted agent of the Norman kings for a period of forty-five years or more following the Conquest, was the brother of Robert the despenser of the

the king's favour held great household offices at court.⁴⁸ Another group are known to have been in his special employment at the *curia* or elsewhere.⁴⁹ To practically all of these he

Conqueror (Heming, *Chartulary*, i. 268) and William II (Davis, *Regesta*, i, no. 326). He became the greatest lay landholder in Worcestershire, of which county he was sheriff apparently (note 20) from 1068. He is still mentioned as sheriff about 1110 (Liebermann, *Gesetze*, i. 524), and at his death, probably about 1115 (Round, *Feudal England*, p. 170), he was succeeded by his son (note 63).

Edward of Salisbury, a great landholder in the southern and south-western counties (Parker, *Early History of Oxford*, p. 246; also D. B. i. 154; iv. 16), and another *curialis* (Davis, *Regesta*, i, nos. 247, 283, 292-4), was sheriff of Wiltshire in 1081, and possibly as early as 1070 (*ibid.*, nos. 135, 167). He seems to have been sheriff so late as 1105 (*ante*, xxvi. 489-90). The Edward of Salisbury who fought under Henry in 1119 (Ordericus Vitalis, *Hist. Eccles.* iv. 357) was probably a younger son (Eyton, *Analysis and Digest of Dorset Survey*, p. 77). His daughter Matilda married the second Humphrey de Bohun, who shared his vast possessions with his son, Walter of Salisbury (*Monasticon*, vi. 134, 338, 501).

Baldwin de Meules or Baldwin de Clare, son of Count Gilbert of Brionne (Ordericus Vitalis, ii. 181), one of the guardians of the Conqueror's minority, was delegated to build a castle at Exeter after the revolt of 1068 (*ibid.*). He became a great landholder and enjoyed the rare distinction of having a castle of his own (D. B. i. 105 b), which was situate at Okehampton. He was sheriff of Devon by about 1070 (Davis, no. 58), and without doubt held the office until his death a little before 1096 (Round, *Feudal England*, p. 330, n. 1).

Durand of Gloucester was another Domesday sheriff who served for fifteen years or more (note 62) preceding his death.

Hugo de Port, who was sheriff of Hampshire possibly as early as 1070 (Davis, no. 267), and a great landholder, seems to have held office until in 1096 he became a monk (*ibid.*, no. 379). He was sheriff of Nottingham also in the period 1081-7 (*Monasticon*, i. 301).

⁴⁸ As to Haimo and Roger Bigot see note 47.

Robert d'Oilly, who has been tentatively identified as sheriff of Warwickshire in 1086 (*Victoria County History of Warwick*, i. 279), and who was certainly at the head of this shire at an earlier time (Davis, *Regesta*, i, nos. 104, 130, 200), his shrievalty beginning about 1070 (*ibid.*, no. 49), was constable under William I and William II (*ibid.*, p. xxxi).

Robert Malet, son, and probably successor in office (note 82) of a well-known follower and sheriff of the Conqueror (see p. 162), sheriff of Suffolk from 1070 (Davis, no. 47) to at least 1080 (*ibid.*, no. 122), and an important tenant-in-chief in several shires, was the king's great chamberlain (Round, *Geoffrey de Mandeville*, p. 180).

Aiulf, the chamberlain, Domesday sheriff of Dorset (note 82), and in the reigns of William II and Henry I sheriff of Somerset (Davis, nos. 315, 417; *Montacute Chart.*, Somerset Record Soc., p. 120), was a tenant-in-chief both in Dorset (D. B. i. 82 b) and Wiltshire (*ibid.* 75), and probably at court a deputy to Robert Malet.

Edward of Salisbury is believed to have been a chamberlain of Henry I (*ante*, xxvi. 489-90).

⁴⁹ These are Urse d'Abetot (Heming, *Chartulary*, ii. 413; Round, *Feudal England*, p. 309; Davis, *Regesta*, i, nos. 10, 416, 422; see also below, p. 162 and note 130), Edward of Salisbury (notes 48, 49; Davis, nos. 247, 283), Hugo de Port (*ibid.*, nos. 207, 220), Baldwin of Exeter (above, note 48), Hugo de Grantmesnil (note 58), and Peter de Valognes (Davis, no. 368). The last named was the Domesday sheriff of Essex and Hertfordshire, and tenant-in-chief both in these shires and in Lincolnshire, Norfolk, and Suffolk. His wife, Albreda, was the sister of Eudo the *dapifer* (*Monasticon*, iii. 345; iv. 608). He was sheriff of Hertfordshire about 1072 (note 43), and still sheriff of Essex in the reign of William II (Davis, nos. 436, 442). Hugh de Beauchamp was sheriff of Buckinghamshire in the reign of William II (Davis, no. 370), at whose court he

made large grants of land *in capite*, usually in several shires. Similar grants prove his friendship for a still larger group.⁵⁰ With the exception of a very few of whom little is recorded,⁵¹ and a very few in the counties still under an earl,⁵² the known sheriffs⁵³ at or near the date of Domesday, some twenty in number, are all tenants-in-chief⁵⁴ of the Crown, and as a rule was employed (*ibid.*, nos. 419, 446, 447). Hugh de Bochland witnessed writs of William II (*ibid.*, nos. 444, 466), and in 1099 was delegated to execute a judgement of the king's court (*ibid.*, no. 416).

⁵⁰ Geoffrey de Mandeville, sheriff of London and Middlesex from the Conquest (Round, *Geoffrey de Mandeville*, p. 37, n. 2, p. 439; Davis, *Regesta*, i, nos. 15, 93), though not at the date of Domesday (D. B. i. 127; Davis, *ibid.*, no. 306), and at some period of his career sheriff of Essex and Hertfordshire (Round, *ibid.*, pp. 141-2), is well known as a landholder in eleven different shires.

Hugh fitz Grip, sheriff of Dorset, was dead by 1086, but his wife was a tenant-in-chief, holding some forty manors (D. B. i. 83 b).

Ralph Bainard, a Domesday tenant-in-chief in Essex, Norfolk, and Suffolk (D. B. ii. 68, 247, 413), a pre-Domesday sheriff of Essex (Davis, no. 93), possibly of London as well (*ibid.*, no. 211), and his brother, Geoffrey Bainard, a noted adherent of William II (Freeman, *William Rufus*, ii. 63), who, in the reign of the latter, seems to have been sheriff of Yorkshire (Davis, nos. 344, 421, 431; *ante*, xxx. 283-4), bear the name of a well-known baronial family; as does Ralph Taillebois, sheriff of Bedfordshire and Hertfordshire (*Victoria County History of Buckinghamshire*, i. 220), who died before 1086 (D. B. i. 211 b), and Ivo Taillebois, *dapifer* to William II (Davis, nos. 315, 319, 326), *tenens* in Norfolk, and presumably sheriff of Lincolnshire before 1086 (*ante*, xxx. 278).

Hugh fitz Baldric, sheriff of Yorkshire from 1070 to about 1080 (*ante*, xxx. 281-2), and also sheriff of Nottinghamshire, was a Domesday *tenens* not only in these shires but also in Hampshire (D. B. i. 48, 356) and Lincolnshire.

Ansculf de Picquigny, sheriff of Buckinghamshire (D. B. i. 148 b) and Surrey (*ibid.* i. 36), also deceased before 1086, was father of the prominent Domesday baron, William de Picquigny.

William de Mohun, sheriff of Somerset in 1084 and 1086, and probably for a considerable period (Maxwell-Lyte, *History of Dunster*, pp. xiii and 3), was a great landholder and founder of a well-known house.

Durand of Gloucester (D. B. i. 168 b, 186 b), though himself not a great tenant, represents an important family interest.

Robert of Stafford (Davis, no. 210 and app. xxvi; see D. B. i. 225, 238, 248 b) held much land of the Crown.

Picot, the notorious sheriff of Cambridgeshire, one of the barons who attended the *curia regis* in the time of William II (*Deputy Keeper's 29th Rep.*, app., p. 37), who was in office as early as 1071 (Davis, no. 47), and as late as some date in the period 1090-8, was a tenant-in-chief in his own shire (D. B. i. 200).

Eustace of Huntingdon, of almost equally evil memory, sheriff by 1080 (Davis, no. 122) and superseded by 1091 (*ibid.*, nos. 321, 322, 329), was a Domesday *tenens* in Cambridgeshire and Northamptonshire as well as in Huntingdonshire.

William of Cahaigues, sheriff of Northamptonshire under both William I and William II (*ibid.*, nos. 288 b, 283), was also a Domesday tenant-in-chief (D. B. i. 201 b).

⁵¹ Ranulf of Surrey (D. B. i. 32), Roger of Middlesex (D. B. i. 127), and Gilbert (D. B. i. 20 b), who may be sheriff of Sussex or *vicomte* of the honour of Pevensey.

⁵² Rainald, formerly sheriff of Shropshire (D. B. i. 181), Gilbert or Ilbert of Hereford (notes 149, 212), and Thurstin of Cornwall (note 34).

⁵³ The counties whose sheriffs I am unable to name are Berkshire, Oxford, Leicester, Rutland, Derby, Cheshire, and Northumberland. It seems impossible to tell how long Froger, the first Norman sheriff of Berkshire, remained in office.

⁵⁴ See notes 47, 50. Haimo, one of the smallest landholders among these, had in Kent three whole manors and parts of others (D. B. i. 14) lands in Essex besides

great tenants-in-chief. Four of them left heirs, who within two generations became earls.⁵⁵ The baronial status of the shrievalty is thus well established. As important barons or household officials a number of them frequently appear at meetings at the *curia regis*,⁵⁶ even as *vicomtes* usually attended the duke's *curia* in Normandy.⁵⁷ Rank, importance, or official position, moreover, entitled the sheriff of more than one English shire to a place in this Norman body.⁵⁸

The greater power and prestige of the Norman as compared with the Anglo-Saxon sheriff are evident. No longer was he a man of moderate means, overshadowed by the nobility and prelates of the shire; on the contrary, he was often himself the greatest man in all his region, and was not infrequently a benefactor of the church.⁵⁹ Since no official superior stood between him and the king he enjoyed great freedom of action. As a baron

(*ibid.* ii. 54 b). Durand, another small tenant, had lands in the south-west (D. B. iv, fo. 8 b), as well as in Gloucestershire (*ibid.* i. 168 b) and Herefordshire (*ibid.* i. 179).

⁵⁵ Hugh, second son of Roger Bigod; Patrick, grandson of Edward of Salisbury; Miles of Gloucester, grandnephew of Durand; and Geoffrey de Mandeville, grandson of the sheriff of the same name.

⁵⁶ This appears in connexion with the trial of Bishop William in 1088: see *Columbia Law Review*, xii. 279.

⁵⁷ Haskins in *Amer. Histor. Rev.* xiv. 469 [*Norman Institutions*, p. 47].

⁵⁸ Robert d'Oilly, the constable, and Robert Malet, the chamberlain (above, note 48), both appear at William's *curia* in Normandy (Davis, *Regesta*, i, nos. 199, 207), as do also Hugo de Port and Baldwin of Exeter (*ibid.*, nos. 125, 220). Hugo de Grantmesnil appears in attendance even before the conquest of England (*ibid.*, no. 2). In 1050 along with his brother Robert he founded the monastery of St. Evroul. Present at Hastings, he was employed by the Conqueror about 1068 to hold Hampshire. Subsequently he received an important post at Leicester (Ordericus Vitalis, *Hist. Eccles.* ii. 17, 121, 186, 222). He was a great landholder in the midlands in 1086, and appears as witness to one of the writs of William II (Davis, no. 392). The language of Ordericus (*praesidatum Leyrecestre regabat*, iii. 270) and his possession of the third penny at Leicester (note 37) indicate that he was sheriff (Freeman, *Norman Conquest*, iv. 232). He died in the habit of a monk, 22 February 1093 (Ordericus Vitalis, iii. 453). His son Ivo, who succeeded to his English possessions, was one of the four lords of Leicester and *municeps et vicecomes et firmarius regis* (*ibid.* iv. 169).

⁵⁹ Peter of Valognes and his wife founded the priory of Binham (*Monasticon*, iii. 345; iv. 608), Roger Bigod that of Thetford (*ibid.* v. 148-9), Ivo Taillebois the monastery of Spalding (*ibid.* iii. 215, 217), Picot a church at Cambridge (Miss Norgate, *England under the Angevin Kings*, ii. 463). Hugo de Grantmesnil endowed the monastery of St. Evroul (Ordericus Vitalis, *Hist. Eccles.* ii. 14 ff.), and later gave it some of his English property (Davis, *Regesta*, i, no. 140). Robert d'Oilly endowed the church at Abingdon (*Chron. Monast. de Abingdon*, ii. 12-15). Warin gave land to the monastery of Shrewsbury (*Monasticon*, iii. 518), Haimo to the church of St. Andrew at Rochester (Davis, *Regesta*, i, no. 451), and Hugh fitz Baldrice tithes to the abbey of Preaux (*ibid.*, no. 130). Baldwin of Exeter and both his sons who succeeded him were benefactors of Bec (Round, *Feudal England*, table facing p. 473). Geoffrey de Mandeville founded the priory of Hurley (Round, *Geoffrey de Mandeville*, p. 38), and also gave land to St. Peter of Westminster for his wife's soul (Davis, *Regesta*, i, no. 209), Durand to St. Peter of Gloucester *pro anima fratris sui Rogerii* (D. B. i. 18), Thorold to St. Guthlac of Croyland *pro animi sua* (*ibid.* i. 346 b), Rainald to the church of St. Peter *pro anima Warini antecessoris sui* (D. B. i. 254).

and a personal adherent of the king he combined the prestige of a local magnate and the status of a trusted official. He was, as it were, a sheriff of King Edward who had grown into a great landholder and a prominent king's thegn. The effective control exercised over the office by the early Norman kings⁶⁰ is thus largely explained, though its basis could not be expected to survive the generation which followed the Conqueror at Hastings.

The hereditary nature of some of the Norman shrievalties is well understood,⁶¹ but the known instances are not numerous. The families of Roger de Pistri and of Urse d'Abetot each supplied four sheriffs, the former in Gloucestershire,⁶² the latter in Worcestershire.⁶³ The power of these families, already strong through their local baronial standing, was further increased by the fact that in each case the custody of a castle was held together with the shrievalty.⁶⁴ Baldwin of Exeter, another great tenant-in-chief and custodian of Exeter castle,⁶⁵ was succeeded as sheriff of Devon by two of his own sons.⁶⁶ The Grantmésnil and Malet shrievalties seem to have passed from father to son,⁶⁷ but both sons were ruined in consequence of their adherence to Duke Robert of Normandy in the early years following the accession of Henry I.⁶⁸ Haimo was succeeded both as *dapifer* and as sheriff of Kent by his son Haimo,⁶⁹ and his son Robert⁷⁰ is no doubt the Robert fitz Haimon who was sheriff of Kent in the earlier years of Henry I.⁷¹ Ralph Taillebois and Ivo Taillebois

⁶⁰ See Adams, *Origin of the English Constitution*, p. 72.

⁶¹ Stubbs, *Constitutional History*, i. 295.

⁶² Roger de Pistri was sheriff of Gloucester as early as about 1071 (Davis, *Regesta*, i, no. 49). His brother Durand, the Domesday sheriff, seems to have succeeded him before 1083 (*ibid.* 186). After the death of Durand about 1096 (Round, *Feudal England*, p. 313), his nephew, Walter fitz Roger (D. B. i. 169), better known as Walter of Gloucester, became sheriff, although Durand's son Roger, who seems to have succeeded to his lands, lived until 1107. Walter is mentioned as holding the office in 1097 (Davis, *ibid.*, no. 389), and again in 1105-6 (*Monasticon*, i. 544). He evidently served for many years, for his son Miles, who was sheriff in 1129, still owed a sum which he had recently engaged to pay for the land and *ministerium* of his father (Pipe Roll, 31 Henry I, p. 77). Miles was constable of England until he was superseded in Stephen's time by Walter de Beauchamp. Subsequently he was created by Matilda earl of Hereford (Round, *Geoffrey de Mandeville*, pp. 263, 285).

⁶³ Urse d'Abetot held the Worcestershire shrievalty from about 1068 (above, note 20). The office passed at his death, about 1115, to his son Roger, and after the latter's disgrace to Walter de Beauchamp, the husband of Urse's daughter (Round, in *Dict. of Nat. Biogr.*, art. 'Urse d'Abetot', and in *Victoria History of Worcestershire*, i. 263). Walter's son, William de Beauchamp, held the position in the reign of Henry II.

⁶⁴ Below, p. 162.

⁶⁵ Baldwin was the patron of the church of St. Mary within the castle (*Devonshire Association for Advancement of Science*, xxx. 27).

⁶⁶ Round, *Feudal England*, p. 330, n. 37.

⁶⁷ See notes 48, 58, 82.

⁶⁸ Ordericus Vitalis, *Hist. Eccles.* iv. 167.

⁶⁹ Above, note 47.

⁷⁰ See Davis, *Regesta*, i, no. 451.

⁷¹ At some time in the period, 1103-9 (*Monasticon*, iii. 383; Round, *Cal. of Documents in France*, no. 1377). He was still prominent in 1130 (Pipe Roll, 31 Henry I, pp. 95, 97). Robert fitz Haimon, the conqueror of Glamorgan, and brother of the

seem both to have been sheriffs of Bedfordshire before the Domesday inquest.⁷² Swein of Essex and probably Turchil of Warwickshire were hereditary sheriffs of a slightly earlier date.⁷³ The surname of Walter of Salisbury indicates that he succeeded Edward, his father.⁷⁴ Henry de Port, sheriff of Hampshire in 1105, was the son, though not the immediate successor, of Hugo de Port.⁷⁵ The second Geoffrey de Mandeville in the time of King Stephen greatly increased the strength of his newly acquired earldom by regaining the three shrievalties held by his grandfather in the days of the Conqueror.⁷⁶ By this time such power was a menace to the state. In the great majority of counties there was no life tenure nor hereditary succession, and sheriffs follow each other in more rapid succession.⁷⁷

The sheriff was in so many known instances surnamed from the chief town of his shire that this usage has been assumed to be the rule.⁷⁸ The title of Swein of Essex affords almost the only case of a different usage for this period.⁷⁹ Sometimes a sheriff was placed over two counties, but this double tenure in nearly every case seems to have been of brief duration.⁸⁰ The Conqueror and his sons limited the hereditary sheriff to one

elder Haimo (William of Jumièges, Migne, *Patrolog. Lat.* cxlix. 898), was injured and lost his reason in 1105 (*ante*, xxi. 507-8). He left no son.

⁷² D. B. i. 209, 209 b. Ivo exacted the sheriff's *crementum* for demesne manors. See note 50.

⁷³ Above, notes 16, 17.

⁷⁴ Walter, moreover, was the father of Patrick, carl of Salisbury (*Monasticon*, vi. 338, 501), sheriff of Wiltshire in the seventh year of Henry II.

⁷⁵ Davis, *Regesta*, i, nos. 377, 379; *ante*, xxvi. 489-90.

⁷⁶ Round, *Geoffrey de Mandeville*, pp. 141-2.

⁷⁷ For the sheriffs of Lincolnshire and Yorkshire see *ante*, xxx. 277 ff.; for the sheriffs of Essex and Hertfordshire prior to 1086, above, notes 43 and 50. In Warwickshire also the succession was comparatively rapid. In London, Geoffrey de Mandeville (note 50), Ralph Bainard (Davis, no. 211), and Roger (D. B. i. 127) all served before 1086.

⁷⁸ See Round, *Feudal England*, p. 168, where a list of instances is given. To this may be added Durand of Gloucester (D. B. i. 168 b) as well as Peter of Oxford, who belongs to the reign of William II (*Chron. Monast. de Abingdon*, Rolls Series, ii. 41). Urse d'Abetot appears as *Urso de Wircestre* (D. B. i. 169 b).

⁷⁹ Yet Turchil de Warewicsyre appears in Thorpe, *Diplomatarium*, p. 441.

⁸⁰ The shrievalty of Osbern in Yorkshire and Lincolnshire belongs to a slightly later period (*ante*, xxx. 280, 284). Mr. Round has shown that the Domesday reference to Urse d'Abetot in Gloucestershire (i. 163 b) does not prove that he ever had this shire along with that of Worcestershire (*Victoria County History of Worcester*, i. 263). Roger Bigod, the famous sheriff of Norfolk, was sheriff also of Suffolk at various times (note 47). Ralph Taillebois, who died before 1086, served both Bedfordshire (D. B. i. 218 b) and Hertfordshire (*Victoria County History of Buckinghamshire*, i. 220), but in Hertfordshire Edmund was sheriff at the opening of the reign (Davis, no. 16), and Ilbert probably before 1072 (above, note 43). Concerning the length of time during which Ansculf held the shrievalties of Buckinghamshire (D. B. i. 148 b) and Surrey (*ibid.* i. 36), and Geoffrey de Mandeville those of Essex and Hertfordshire (see note 50), there is no definite information. Hugh fitz Baldric, sheriff of Yorkshire (note 50), was also sheriff of Nottinghamshire in 1074 (*ante*, xxx. 282).

shire.⁸¹ Occasionally a sheriff held two shires in succession.⁸² Hugh de Bochland, one of the new *curiales* of William Rufus,⁸³ who in the reign of Henry I was *carus regi* and sheriff of eight shires,⁸⁴ held nearly all of these before 1107.⁸⁵ The circumstance proves the king's resourcefulness on the eve of Tinchebrai, and marks a new era in the history of the shrievalty. New men will in the future be utilized to check the influence of the powerful sheriff with baronial interests. The participation in the rebellion of 1088 by two such officials doubtless recalled the dangerous revolt of Norman *vicomtes* in 1047.⁸⁶

The perquisites of the office, both legitimate and other, were probably greatest in the generation following the conquest of England. The view that the Danegeld was farmed and constituted the sheriff's greatest source of profit⁸⁷ is untenable,⁸⁸ but there are indications in Domesday that the farming of the king's lands and the local pleas yielded a handsome margin.⁸⁹ How the oppressive sheriff might turn his power to financial advantage will appear later. The fact that so great a tenant as Urse d'Abetot might apparently gain exemption from the relief of 1095⁹⁰ hints what influence at court might do. Sheriffs are mentioned as having certain lands for the term of their office.⁹¹ The reeve-land⁹² as well as certain pence pertaining to the shrievalty, which Edward of Salisbury received,⁹³ might add to the sheriff's profits, though the latter and probably the former were held subject to certain official obligations.

⁸¹ The case of the younger Geoffrey de Mandeville (above, p. 155) is hardly an exception. Miles of Gloucester, however, was sheriff of Staffordshire and Gloucestershire, 1128-30 (Pipe Roll, 31 Henry I, pp. 72, 76).

⁸² Aiulf, sheriff of Dorset in and before 1086 (D. B. i. 83), was in office in the period 1082-4 (Davis, *Regesta*, i, no. 204), and was sheriff of Somerset before 1091 (*ibid.*, nos. 315, 316), and also (above, note 48) in the reign of Henry I. William Malet, sheriff of Yorkshire from 1067 to 1069 (*ante*, xxx. 281), seems to have been sheriff of Suffolk before April 1070 (Round, *Feudal England*, pp. 429-30).

⁸³ Above, note 49. Ordericus Vitalis (*Hist. Eccles.* iv. 164) mentions him only as one of the men *de ignobile stirpe* raised from the dust by Henry I.

⁸⁴ *Chron. Monast. de Abingdon*, ii. 117.

⁸⁵ He held Bedfordshire (Davis, *Regesta*, i, nos. 395, 471) and Berkshire (below, note 112) in the reign of William II, and is also mentioned as sheriff of the latter county under Henry I (*Monasticon*, i. 523). He held Hertfordshire by 1105 and in 1107 (*ante*, xxvi. 490; *Liber Eliensis*, p. 298), London and Middlesex before September 1106 (*Chron. Monast. de Abingdon*, ii. 56; *Monasticon*, iv. 100; Round, *Cal. of Documents in France*, no. 1377), and Buckinghamshire (*Chron. Monast. de Abingdon*, ii. 98, 106) and Essex (*Monasticon*, i. 164; vi. 105) by about the same time.

⁸⁶ William of Malmesbury, *Gesta Regum*, ii. 286.

⁸⁷ Stubbs, *Constitutional History*, i. 412.

⁸⁸ Round, *Feudal England*, pp. 499-500.

⁸⁹ Below, p. 170.

⁹⁰ Round, *Feudal England*, p. 313.

⁹¹ A manor in Dorset held by Aluric, presumably the sheriff in the time of King Edward, is held by Aiulf of the king as long as he shall be sheriff (D. B. i. 83); *Quam terram dederat Ilbertus cuidam suo militi dum esset vicecomes* (*ibid.* i. 133).

⁹² D. B. i. 181; Maitland, *Domesday Book and Beyond*, p. 169.

⁹³ D. B. i. 69.

The Domesday sheriff had personal agents or *ministri*. Among these may possibly be under-sheriffs, for the spirited denunciation written by the monk of Ely indicates that Picot of Cambridge had such a subordinate.⁹⁴ It is clear that among these *ministri* were reeves, and there is a presumption that by 1086 the sheriff was the head of the royal and public reeves of the shire. The *ministri regis* are sometimes seen to perform the same duties as reeves,⁹⁵ and the *ministri vicecomitis* have the same functions.⁹⁶ The sheriff of the period is known to have had reeves with fiscal duties.⁹⁷ Since the authority of the sheriff regularly extended to manors of the royal demesne,⁹⁸ it follows that the king's reeve of Domesday was his subordinate. This is attested by fairly convincing evidence.⁹⁹ The dependence of the hundredmen upon the sheriff is shown by the fact that in Devonshire they as well as king's reeves were collectors of the king's *ferm*, including the portion derived from the pleas of the hundred.¹⁰⁰ In Norfolk

⁹⁴ *Gervasius . . . irae artifex, inventor sceleris, confudit fas nefasque ; cui dominus eius dictus Picotus tamquam caeteris fideliori pro sua pravitare totius comitatus negotia commiserat.* The account ends with the story that St. Etheldreda and her sisters appeared and punished Gervase with death for his offences against this church (*Liber Eliensis*, p. 267). At the inquest of several shires taken at Kenetford the sheriffs of Norfolk and Suffolk were represented by a deputy (Davis, *Regesta*, i, no. 122).

⁹⁵ *De his ii hidis nec geldum nec aliquod debitum reddiderunt ministri regis* (D. B. i. 157 b, Oxfordshire). Certain customs which the king formerly had at Gloucester neither he nor *Robertus minister eius* now has (*ibid.* i. 162). *Hanc forisfacturam accipiebat minister regis et comitis in civitate* (*ibid.* i. 262 b, Chester). According to *Leges Henrici*, 9, 10 a (Liebermann, *Gesetze*, i. 556), the *ministri regis* are officials who farm the local pleas.

⁹⁶ The *ministri* of Roger Bigot increased a render to fifteen and later to twenty pounds (D. B. ii. 287 b, Suffolk). The Conqueror granted a hundred to the abbot of Evesham, *quod nullus vicecomes vel eorum ministri inde se quicquam intromittant vel placent vel aliquid exigant* (Davis, *Regesta*, app. xiii). At the Domesday inquest for Hampshire the *ministri regis*, contrary to the testimony of the men of the shire and the hundred, declare that a certain piece of land belongs to the king's *ferm* (D. B. i. 50).

⁹⁷ The Domesday sheriff of Wiltshire was responsible for the *ferm* collected by reeves, and when there was a deficiency had to make it good (D. B. i. 69). Roger Bigot as sheriff of Suffolk warranted to a reeve a free man who had been joined to the *ferm* of Brunfort (*ibid.* ii. 282). William II enjoined a sheriff to make reparation for wrong done by his reeve Edwy and his other *ministri* (*Chron. Monast. de Abingdon*, ii. 41). Haimo's agents who seized some of Anselm's property during his absence from England are mentioned by the latter as *vestri homines* (epist. lvii, Migne, *Patrolog. Lat.* clix. 233).

⁹⁸ Maitland, *Domesday Book and Beyond*, p. 167 ; see also *ante*, xxi. 31, note 97.

⁹⁹ A *praepositus regis* claimed land for pasturing the king's cattle, but was met by the witness of the shire that he might have it only through the sheriff (D. B. i. 49, Hants). A sheriff made certain estates reeve-land for the *praepositi regis* (*ibid.* i. 218 b). Moreover, these officials are mentioned as taking part in the collection of the *ferm* (*ibid.* iv, fo. 513 b). Roger Bigot is shown to have been closely associated with the act of the *praepositus regis* in his shire who seized unto the king's hand the land of an outlawed person: D. B. ii. 176 b ; cf. *ibid.* ii. 3. According to D. B. iv, fo. 513, the *ferm* of a manor was rendered *praeposito regis de Winesford*, who seems to be the ordinary official of the manor (D. B. i. 179 b).

¹⁰⁰ *Comes [de Moritonio] habet i. mansionem quae vocatur Ferdendella . . . De hac*

one of the hundred-reeves had for more than a decade held land *per vicecomites regis*.¹⁰¹ Finally, Mr. Ballard's conclusion,¹⁰² that except at Hereford and Dover the borough *praepositus* of Domesday was the sheriff's subordinate, appears to be well founded.

Under the early Norman kings the sheriff's judicial position was most important, and his independence in judicial matters greatest. The usage which in the reign of Henry I regarded the sheriff as solely responsible for holding the sessions of the hundred and the shire was evidently not new.¹⁰³ According to Domesday Book the sheriff holds local courts even in Herefordshire,¹⁰⁴ which for a time has probably been a palatinate, and in Shrewsbury,¹⁰⁵ where the earl's authority over sheriff and shire-mote is still great.¹⁰⁶ The essence of one of the very greatest franchises is exemption of a hundred from the jurisdiction of the sheriff and his reeves.¹⁰⁷ In separating ecclesiastical from secular jurisdiction the Conqueror forbade any sheriff or reeve or *ministri regis* to interfere in matters which belonged to the bishop. If any one contemns the bishop's summons three times the *fortitudo et iustitia regis vel vicecomitis* are to be invoked.¹⁰⁸ In all but most exceptional causes the Norman sheriff for a time must have been the justice.¹⁰⁹ To commission some one else required a special exercise of the royal prerogative. The pleas of the Crown, the income from which was not farmed, and went to the king *in toto*,¹¹⁰ as well as the ordinary causes triable in the

mansione calumniatur hundremani et praepositi regis xxx. denarios et consuetudinem placitorum ad opus firme Ermtone mansione regis (D. B. iv, fo. 218). The reeve who held the hundredmote was apparently a dependent of the sheriff in the time of King Edward (*ante*, xxxi. 28).

¹⁰¹ D. B. ii. 120. The land had been given to the reeve originally by Earl Ralph, who was overthrown in 1075.

¹⁰² *The Domesday Boroughs*, pp. 45-7. Certainly this was true at Canterbury, for the sheriff, Haimo, held this city of the king (D. B. i. 2).

¹⁰³ The writ of 1109-11 (Liebermann, *Gesetze*, i. 524) establishes no new principle in this regard, but merely directs the sheriff how these sessions are to be held.

¹⁰⁴ Of the Welsh of Archenfield we read, *si vicecomes evocat eos ad siremot meliores ex eis vi aut vii vadunt cum eo. Qui vocatus non vadit dat ii. solid. aut unum bovem regi et qui de hundret remanet tantundem persolvit* (D. B. i. 179).

¹⁰⁵ *Siquis burgensis* [of Shrewsbury] *frangebat terminum quem vicecomes imponebat ei emendabat x. solid.* (D. B. i. 252).

¹⁰⁶ Above, note 32. See also Davis, *England under the Normans and Angevins*, p. 517.

¹⁰⁷ *Ante*, xxxi. 28. See also above, note 96. The church of St. Mary of Worcester had a hundred with similar liberty (D. B. i. 172 b), and the exclusion of the sheriff from the hundred of Hornmere, held by the monastery of Abingdon (*Chron. Monast. de Abingdon*, ii. 164), was of long standing.

¹⁰⁸ Liebermann, *Gesetze*, i. 485; Stubbs, *Select Charters*, p. 85.

¹⁰⁹ The king's court is in the main 'only for the great man and the great causes': Pollock and Maitland, *History of English Law*, 1899, i. 108.

¹¹⁰ The usual five-pound *forisfacturae* (*ante*, xxxi. 32-3), which were *extra firmas*, the king had everywhere on his demesne in Worcestershire from all men (D. B. i. 172), and in Kent from all *alodiarii* and their men. The list in the last-named county (D. B. i. 2) included the felling of trees upon the king's highway. For grithbreach

shire and hundred, seem to be dealt with by him and his subordinates. It has been shown, however, that as early as the reign of William Rufus there were special royal justices locally resident.¹¹¹ Hugh de Bochland, sheriff of Berkshire in this reign, seems to combine the two offices,¹¹² but they are already separable.

The sheriff's position as head of the judicial system of the shire is the central fact in Norman local government. It involved numerous duties and responsibilities. The law of the king's court being as yet unformed and fitful in operation, the most important law-declaring body was still the county court.¹¹³ A strong sheriff could exert a decided influence upon customary law.¹¹⁴ His control tended towards uniformity of practice. About 1115 the observances of judgement, the rules of summons, and the attendance in the counties convened twice a year are said to be the same as those in the hundreds convened twelve times a year.¹¹⁵ In the one instance in which Domesday affords data for comparison the sum collected for absence from the hundred is the same as that for absence from the shire.¹¹⁶ All this means

in Kent in certain cases eight pounds was paid, and in Nottingham (*ibid.* i. 280) the same amount for impeding the passage of boats down the Trent or for ploughing or making a ditch in the king's highways toward York. Manslaying on one of the four great highways (*Leis Willelme*, 26, Liebermann, *Gesetze*, i. 510) counted as breach of the king's peace. In Yorkshire (D. B. i. 298 b) and Lincolnshire (*ibid.* i. 336 b) the king was entitled in twelve hundreds, the earl in six, to eight pounds for breach of peace given by the king's hand or seal. At Oxford the housebreaker who assailed a man (*ibid.* i. 154 b), and in Berkshire the man who broke into a city by night (*ibid.* i. 56 b), paid five pounds to the king. Burghers in some towns (*ibid.* i. 154 b, 238) who failed to render the due military service paid the same amount, although sums collected for various other offences in boroughs were often less. In Cheshire the lord who neglected to render service toward repairing the bridge and the wall of the city (*ibid.* i. 262 b) incurred a *forisfactura* of forty shillings, which is specifically stated to have been *extra firmas*. On a Berkshire manor *latrocinium* is mentioned among the great *forisfacturae* (*ibid.* i. 61 b). The *murdrum* fine (*Leis Willelme*, 22, Liebermann, *Gesetze*, i. 510) was already being collected (Davis, *Regesta*, i, no. 202) in the Conqueror's reign. Half the goods of the thief adjudged to death in some places went to the king (D. B. i. 1); for certain offences a criminal's chattels were all confiscated. According to the *Leis Willelme* (2, 2 a-2, 4, Liebermann, *Gesetze*, i. 494-5) the *forisfactum regis* of forty shillings in the Mercian law and that of fifty shillings in Wessex belong to the sheriff, while in the Danelaw the man with sake and soke who is impleaded in the county court forfeits thirty-three ora, of which the sheriff retains ten for the king.

¹¹¹ Davis, *England under the Normans and Angevins*, p. 520. As to the local justiciar of the twelfth century see Round, *Geoffrey de Mandeville*, pp. 106-9. A writ of William II, directed to his *iudicibus*, sheriffs, and officials (Davis, *Regesta*, i, no. 393), seems to show the change.

¹¹² *Et Berchescire vicecomes et publicarum iusticiarius compellationum a rege constitutus* (*Chron. Monast. de Abingdon*, ii. 43).

¹¹³ Vinogradoff, *English Society in the Eleventh Century*, p. 91.

¹¹⁴ Mr. Davis (*England under the Normans and Angevins*, 522) suggests that the sheriff's influence contributed to the great diversity of local judicial usage.

¹¹⁵ *Leges Henrici Primi*, 7, 4-7, 8, Liebermann, *Gesetze*, i. 553-4.

¹¹⁶ Above, note 104. Compare *Rex habet in Dunwic consuetudinem hanc quod duo vel tres ibunt ad hundred si recte moniti fuerint et si hoc non faciunt forisfacti sunt de ii. oris* (D. B. ii. 312).

activity for the sheriff and the reeves under him.¹¹⁷ The two great sessions of each hundred held annually to make view of frankpledge¹¹⁸ met in this period under the sheriff's presidency,¹¹⁹ no less than in the reign of Henry II.¹²⁰ Sentence of outlawry was pronounced by the sheriff in the county-court,¹²¹ and Mr. H. W. C. Davis¹²² has found indications that in the time of the Conqueror the forest law was sometimes enforced in the same way. It is usually assumed that this machinery was turned to financial oppression in the king's interest during the reign of Rufus,¹²³ so far as we can judge it was through the sheriff's jurisdiction that the king's financial claims were enforced.¹²⁴ Nothing but the sheriff's power could have enabled Ranulf Flambard to drive and supervise 'his motes over all England'. To the sheriff in the shiremote¹²⁵ were communicated the king's grants, proclamations, and administrative orders. About him turned the administrative as well as the judicial system of the shire.

The sheriff might be directed by royal writ to reserve certain cases to the king's court,¹²⁶ and he was sometimes commissioned to assume its judicial powers, as were *vicomtes* in Normandy.¹²⁷ The mention of a resident justice in the shire¹²⁸ shows, on the

¹¹⁷ Thus a writ of Henry I addressed to Roger Bigot and *omnibus ministris de Suthfolcia* directs them to permit a vill of St. Benedict of Ramsey to be quit of shires and hundreds and of all other pleas except *murdrum* and *latrocinium* (*Ramsey Cart.* i. 249). There is evidence that the sheriff summoned men to the shiremote (note 104).

¹¹⁸ *Leges Henrici*, 8, 1-8, 2, Liebermann, *Gesetze*, i. 554: cf. *Leis Willelme*, 25, *ibid.* i. 511.

¹¹⁹ Dr. Liebermann even believes that this was true in the reign of Edward the Confessor (*ante*, xxxi. 29, note 28), when the sheriff is known to have held sessions of the hundred. See the present writer's *Frankpledge System*, pp. 113-14.

¹²⁰ Assize of Clarendon, § 9, Stubbs, *Select Charters*, p. 144.

¹²¹ *Siquis pro aliquo reatu exulatus fuerit a rege et comite et ab hominibus vicecomitatus* (D. B. i. 336). Since there was no longer an earl the presidency of the sheriff follows.

¹²² *Regesta*, i, p. xxxi.

¹²³ Stubbs, *Constit. Hist.* i. 327; Freeman, *William Rufus*, i. 344.

¹²⁴ *Ante*, xxxi. 33; see below, pp. 164-5, 169.

¹²⁵ See W. H. Stevenson, *ante*, xxi. 506-7. Of a grant addressed in the familiar form, *Willelmus rex Anglorum, Gilleberto de Britteville et omnibus fidelibus suis, Francigenis et Angligenis, de Berkascire*, the Abingdon chronicler (*Chron. Monast. de Abingdon*, ii. 26) says: *rex Willelmus iunior . . . concessit istas ad comitatum Berkascire inde litteras dirigere*. Dr. Liebermann finds evidence (*Trans. of the Royal Hist. Society*, new ser. viii. 22) that the coronation charter of Henry I was to be read in every shire court in the kingdom: cf. Davis, *England under the Normans and Angevins*, p. 119, n. 4.

¹²⁶ See the writ of William II to the sheriffs in whose shires the abbot of Evesham held lands (Davis, *Regesta*, i, no. 429; *Monasticon*, ii. 22).

¹²⁷ See Davis, *Regesta*, i, nos. 117, 132; Haskins in *American Historical Review*, xiv. 469 [*Norman Institutions*, p. 46].

¹²⁸ See the case of Hugh de Bochland dating from the reign of William II (above, p. 159). A charter of William I which mentions the sheriffs and justiciars of Devon has been explained by Mr. Davis (*Regesta*, i, no. 59) as probably a variant of later date. The charter of Henry I to London (*Gesetze*, i. 525) not only shows that the sheriff and *iustitarius* are two different persons, but shows that the function of the latter was *ad custodiendum placita coronae meae et eadem placitanda*.

other hand, that some other agent of the king might be entrusted with judicial functions which the sheriff had formerly discharged. During the Conqueror's reign a sheriff is known in but one instance to have sat alone as a commissioned royal justice;¹²⁹ but the earliest known eyre, some time in the period 1076-9, was held before two sheriffs¹³⁰ along with other barons. Precepts of William II order sheriffs to dispose of certain assigned cases.¹³¹ Through such royal mandates the sheriff first came into contact with that royal inquest for ascertaining facts which constituted the original form of the jury. The king's writ enjoining such procedure might come direct to the sheriff¹³² or to a person serving as the king's justice at whose instance the sheriff sometimes acted.¹³³

The military functions of the sheriff in the period under consideration were derived both from English and from Norman usage. The principle of the general levy provided a fighting force exceedingly useful in an emergency, though inferior to that yielded by the system of knight service now imported from Normandy. The sheriff of King Edward led both the shire levies and the special forces sent by the boroughs.¹³⁴ Vestiges of such arrangements still appear in Domesday Book.¹³⁵ Florence of Worcester mentions the military service rendered by Urse d'Abetot against the rebellious earls in 1074 in terms which suggest that he commanded a general levy.¹³⁶ Robert Malet, sheriff of Suffolk, was one of the leaders of the king's forces which put down the revolt of 1075 in East Anglia.¹³⁷ The *inward*, which in the Confessor's time was rendered in the west and

¹²⁹ *Yale Law Journal*, xxiii. 506.

¹³⁰ Round, *Feudal England*, p. 329. Urse d'Abetot may have sat as justice in his own shiremote under the presidency of Geoffrey of Coutances (Davis, *Regesta*, i, no. 230; compare no. 184).

¹³¹ To do right to the abbot of Westminster concerning the churches of Scotland (Davis, no. 420) or to summon three and a half hundreds to deal with a case concerning the rights of the abbot of Ramsey (nos. 448, 449). Humphrey the Chamberlain, in the latter case, seems to be acting as sheriff.

¹³² *Hist. Monast. St. Augustini* (Rolls Series), pp. 353-4, 356; Davis, *Regesta*, i, no. 448.

¹³³ See the case in which Picot and Odo of Bayeux were concerned, below, p. 173.

¹³⁴ *Ante*, xxxi. 30.

¹³⁵ The Welsh of the district of Archenfield, who in King Edward's time served under the sheriff of Hereford, number 196 in 1086. They are required to make expeditions into Wales only when the sheriff goes (D. B. i. 179). To this service *in exercitu regis* they are so firmly bound that if one of them dies the king has his horse and arms (D. B. i. 181). At Taunton all were under obligation to go *in expeditione* with the bishop's men (D. B. iv, fo. 174). The quota demanded of boroughs was usually fixed at a comparatively small figure. See Maitland, *Domesday Book and Beyond*, p. 155, n. 8.

¹³⁶ *Wulfstan cum magna militari manu et Angclwinus Eveshamensis abbas cum suis ascitis sibi in adiutorium Ursonc viccomite Wigorniae et Waltero de Lacco cum copiis suis et cetera multitudine pibis*: Florence of Worcester, a. 1074.

¹³⁷ Davis, *Regesta*, i, no. 82.

midlands under the sheriff's direction,¹³⁸ still prevails in the Domesday period.¹³⁹ In Kent the tenants of certain lands guarded the king for three days when he came to Canterbury or Sandwich.¹⁴⁰ The Norman *vicomte*, on the other hand, was keeper of the king's castles,¹⁴¹ and the earlier sheriffs of the Conqueror often appear in this capacity.¹⁴² William Malet held the castle at York, and in 1069 unsuccessfully defended it against the Danes.¹⁴³ The story of the excommunication of Urse d'Abetot shows that he was the builder of the castle at Worcester;¹⁴⁴ he was also its custodian,¹⁴⁵ a post to which his daughter's husband, Walter de Beauchamp, and his grandson, William de Beauchamp, succeeded in turn. The custodianship of the castle at Exeter likewise became hereditary in the family of Baldwin, the sheriff who erected it.¹⁴⁶ The constablership of Gloucester was attached to the shrievalty at least as early as the time of Walter of Gloucester.¹⁴⁷ There is evidence of such an arrangement elsewhere,¹⁴⁸ although sheriffs were not necessarily *custodes castelli*.¹⁴⁹ When Roger Bigot rebelled in 1088 he seized Norwich Castle,¹⁵⁰ and so as sheriff he was hardly its guardian. Both he and Hugh de Grantmesnil, however, must have been materially strengthened in

¹³⁸ *Ante*, xxxi. 29, 35.

¹³⁹ See, for example, D. B. i. 132 b, 190.

¹⁴⁰ *Ibid.* i. 1. This obligation was commuted in one Kentish district by rendering for each *inward* two sticks of eels, and in another by a payment of twelve pence for each *inward*.

¹⁴¹ See Haskins in *Amer. Hist. Review*, xiv. 469 [*Norman Institutions*, p. 46].

¹⁴² This suggests that William Peverel (Ordericus Vitalis, *Hist. Eccles.* iv. 184), in whose hands the castle of Nottingham was placed when it was built in 1068, may have been sheriff.

¹⁴³ *Habit Willelmus Malet quamdiu tenuit castellum de Euruic. . . Dicunt fuisse saicium Willelmum Malet et habuisse terram et servitium donec fractum est castellum*: D. B. i. 373. Florence of Worcester (*Engl. Hist. Soc.*), ii. 4, adds details.

¹⁴⁴ William of Malmesbury, *Gesta Pontificum*, ii. 253.

¹⁴⁵ Round, *Geoffrey de Mandeville*, pp. 313-14; *Dict. of Nat. Biogr.*, art. 'Urse d'Abetot'.

¹⁴⁶ Ordericus Vitalis, *Hist. Eccles.* ii. 181; Round, *Geoffrey de Mandeville*, p. 439; above, p. 154.

¹⁴⁷ His son Miles in the reign of Henry I held its custody *sicut patrimonium suum* (Round, *Geoffrey de Mandeville*, p. 13, n. 1; *Monasticon*, vi. 134). Walter also had charge of the castle of Hereford.

¹⁴⁸ It has not been proved that Geoffrey de Mandeville held the tower of London, but both his son and grandson did so (Round, *Geoffrey de Mandeville*, pp. 37-8, 166). Similarly the shrievalty of Wiltshire in the twelfth century included an hereditary custodianship. In Dorset Hugh fitz Grip cleared ground for work on the castles (D. B. i. 75), and the sheriff at Lincoln performed a similar service (*ibid.* i. 336). The same was true at York and apparently at Gloucester and Cambridge. See below, note 249.

¹⁴⁹ *Custodes castelli* are mentioned in Sussex (D. B. i. 21). Robert the despenser, brother of Urse d'Abetot, held the castle and honour of Tamworth (Round, *Geoffrey de Mandeville*, p. 314). Gilbert the sheriff of Herefordshire had the castle of Clifford to farm, but it was actually held by Ralph de Toden (D. B. i. 173). Robert d'Oilly, castellan of Oxford in the reigns of William I and William II, was sheriff of Warwickshire (*Monasticon*, i. 522; *Chron. Monast. de Abingdon*, ii. 12).

¹⁵⁰ *Anglo-Saxon Chronicle*, a. 1088; W. Malmesbury, *Gesta Regum*, ii. 361.

this revolt by the resources of their office. After the failure of the movement in the north Durham Castle was delivered to the sheriffs of Lincolnshire and Yorkshire.¹⁵¹ During this rebellion the sheriffs also took possession of the men, lands, and property of Bishop William of Durham,¹⁵² one of the rebels.

The retirement of the earl left the sheriff the authority for keeping the peace and administering matters of police within his bailiwick. At Shrewsbury, in a region where the sheriff had been exceptionally prominent, it was he and not the earl who proclaimed the king's peace in the time of King Edward.¹⁵³ After the earl has disappeared throughout the greater part of England the Domesday inquest for Warwickshire shows that this function belongs to the sheriff,¹⁵⁴ and an entry for Yorkshire proves that the realm may be abjured before him, and that he has the power of recalling and giving peace to a person who has thus made abjuration.¹⁵⁵ The sheriff's well-known power of arresting malefactors¹⁵⁶ was extended when he was made responsible for enforcing the forest laws.¹⁵⁷ This phase of his activity can hardly have been new,¹⁵⁸ but the severity of Norman forest regulations¹⁵⁹ certainly gave it new significance. A letter of Bishop Herbert de Losinga implores the lord sheriff and God's faithful Christians in Norfolk and Suffolk to seek and give up those who have broken into his park at Homersfield and killed a deer.¹⁶⁰ The sheriff's duties were further increased through the enactment of the Conqueror providing that he was to deal with those who contemned the authority of the episcopal court.¹⁶¹ A writ of Henry I, addressed in 1101 to the shire-mote of Lincolnshire, and presumably sent to other shires, orders the sheriff and certain notables to administer to the king's demesne tenants the oath to defend the realm against Robert of Normandy.¹⁶²

The sheriff was the recipient of royal mandates of many

¹⁵¹ *Ante*, xxx. 282-3. They were possibly former sheriffs.

¹⁵² *Monasticon*, i. 245.

¹⁵³ D. B. i. 252.

¹⁵⁴ D. B. i. 172.

¹⁵⁵ *Si vero comes vel vicecomes aliquem de regione foras miserint ipsi eum revocare et pacem ei dare possunt si voluerint (ibid. i. 298 b).*

¹⁵⁶ *Ante*, xxxi. 30-1.

¹⁵⁷ Mr. Davis (*Regesta*, i, p. xxxi) has established such a responsibility. Not only does the sheriff of Kent serve on a commission to judge forest offences (*ibid.*, no. 260), but a precept of the king to his sheriff and liegemen of Middlesex forbids any one to hunt in the manor of Harrow which belongs to Archbishop Lanfranc (*ibid.*, no. 265). In the Confessor's time the guarding of the forest might be a manorial duty for which commutation was made by money payment (D. B. i. 61 b). So in the reign of the Conqueror (D. B. i. 180 b, Herefordshire), *Willelmus comes misit extra suos manerios duos forestarios propter silvas custodiendas*. Mr. Davis associates foresters with the enforcement of forest law only by the time of William Rufus.

¹⁵⁸ See II. Canute, 80, 1, Liebermann, *Gesetze*, i. 366-71.

¹⁵⁹ See *Anglo-Saxon Chronicle*, a. 1087; Freeman, *Norm. Cong.* v. 124-5.

¹⁶⁰ Goulburn and Symonds, *Herbert de Losinga*, pp. 170-2.

¹⁶¹ Above, p. 158.

¹⁶² *Ante*, xxi. 506-9.

varieties. The king's writs, whether addressed directly to the sheriff or to the county court to be published by the sheriff,¹⁶³ imposed special administrative no less than judicial duties. They attest the prerogative powers of the Norman kingship and reveal the shrievalty as an arm of a central executive. Notices to shiremotors of royal grants of lands or privileges¹⁶⁴ incidentally warrant the surrender by the sheriff and reeves of part of the king's rights. Sheriffs made livery of lands,¹⁶⁵ and placed grantees in possession of customs or privileges by writ or order of the king.¹⁶⁶ To the usual clause of the king's writ-charter forbidding any one to disturb the grantee¹⁶⁷ may sometimes be added another restraining the sheriff or another officer from doing so,¹⁶⁸ or else ordering the sheriff to see that no injustice is done in the matter.¹⁶⁹ A common method of enforcing the decision of the king's court, especially when held locally by a royal justice, was by writ to the sheriffs.¹⁷⁰ A form of peremptory command bids the sheriff see that a given person shall have certain property or rights, and let the king hear no further complaint on the matter.¹⁷¹ The sheriffs may be ordered to seize the property of rebels or other persons under the royal ban.¹⁷² Henry I commands the sheriffs of Kent and Essex to prohibit fishing in the Thames before the fishery at Rochester on pain of the king's *forisfactum*.¹⁷³ William I causes Lanfranc and Geoffrey of Coutances to summon the sheriffs and tell them in the king's name to restore lands, the alienation of which had been permitted by bishops and abbots.¹⁷⁴ William II orders the sheriffs of the shires wherein the abbot of Ramsey has lands to alienate none of his demesne without the king's licence.¹⁷⁵ The Conqueror's writ to William de Curcello, presumably sheriff of Somerset, enjoins that payment of Peter's pence shall be made at next Michaelmas by all thanes and their men, and that William,

¹⁶³ Of a mandate of the Conqueror in the usual form confirming its lands to the church of Abingdon it is said, *Quarum recitatio litterarum in Berkescire comitatu prolata plurimum et ipsi abbati et ecclesiae commodi attulit* (*Chron. Monast. de Abingdon*, ii. 1).

¹⁶⁴ See Davis, *Regesta*, i, nos. 160, 162, 176, 209, 210, 212, 245. Nos. 244, 277, 289 give possession with *sac* and *soc*.

¹⁶⁵ The sheriff of Yorkshire gave possession of land to Bishop Walcher *per brevem regis* (D. B. i. 298). See also *ibid.* i. 167, and Davis, *Regesta*, i, no. 442. In some places an act of livery must have been usual when the writ was read. In the Domesday inquest as, for instance, i. 36, 50, 62, 164, both the men of the shire and the hundred seem to doubt that a grant of land has been made, because they have never seen the king's writ nor act of livery.

¹⁶⁶ Davis, *Regesta*, i, no. 87.

¹⁶⁷ *Ibid.*, nos. 14, 17, 85, 243, 244, 294.

¹⁶⁸ As in Round, *Cal. of Doc. in France*, no. 1375.

¹⁶⁹ *Monasticon*, ii. 18; Davis, *Regesta*, i, no. 104.

¹⁷⁰ Davis, *Regesta*, i, nos. 129, 230, 288 b.

¹⁷¹ Above, p. 163.

¹⁷² Davis, *Regesta*, i, no. 50.

¹⁷³ *Ibid.*, no. 329.

¹⁷⁴ *Monasticon*, i. 164.

¹⁷⁵ *Ibid.*, no. 329.

together with the bishop, is to make *inquisitio* concerning all who do not pay and to take them in pledge.¹⁷⁶

The sheriff has charge of the king's property and of his fiscal rights. Land at the king's farm may be *in manu vicecomitis*,¹⁷⁷ and the sheriff often holds land which is *in manu regis*.¹⁷⁸ Lands which the king holds in demesne are mentioned as having been officially received by the sheriff.¹⁷⁹ The sheriff has the custody of land which has fallen to the king through forfeiture.¹⁸⁰ He seizes land for failure to render service due¹⁸¹ or to pay geld¹⁸² or gavel,¹⁸³ and he brings action against a person who has invaded lands *de soca regis*.¹⁸⁴ We read at times of the king's salt pans as in his charge¹⁸⁵ and of boroughs as held by him.¹⁸⁶ It is his business to see that the king's estates of which he is guardian are kept properly stocked with plough oxen,¹⁸⁷ and he is the custodian of the peasants who till the land.¹⁸⁸ Through an application of the doctrine of seisin the profits from pleas is said to be *in manu vicecomitis*. Bishop Odo sued the sheriff of Surrey in order to obtain the third penny of the port dues at

¹⁷⁶ *Cal. of MSS. of the Dean and Chapter of Wells*, Hist. MSS. Commission, i. 17; Davis, *Regesta*, i, no. 187. Pledge was not to be taken upon the bishop's land until the matter came before him.

¹⁷⁷ *Modo est in manu vicecomitis ad firman regis* (D. B. ii. 5).

¹⁷⁸ A part of Blontesdone held by Edward the sheriff is *in manu regis* (*ibid.* i. 74); *modo custodit hoc manerium Petrus vicecomes in manu regis* (*ibid.* ii. 1). Of the half hundred and borough of Ipswich it is said, *hoc custodit Roger Bigot in manu regis* (*ibid.* ii. 290).

¹⁷⁹ *Rex tenet in dominio Rinvede . . . Quando vicecomes recepit, nisi x hidae. Aliae fuerunt in Wilt* (D. B. i. 39). Cf. *Quando Haimo vicecomes recepit* (*ibid.* i. 2 b).

¹⁸⁰ *Hoc invasit Berengarius homo Sancti Edmundi et est in misericordia regis. Hic infirmus erat. Non potuit venire ad placitum. Modo sunt in custodia vicecomitis* (*ibid.* ii. 449). *Quas tenuit i faber T. R. E. qui propter latrocinium interfectus fuit et prae-positus regis addidit illam terram huic manerio* (D. B. ii. 2 b).

¹⁸¹ See below, p. 171.

¹⁸² *Hanc terram sumpsit Petrus vicecomes . . . in manu eiusdem regis pro forisfactura de gildo regis* (D. B. i. 141).

¹⁸³ . . . *ille gablum de hac terra dare noluit et Radulfus Tuillgebose gablum dedit et pro forisfacto ipsam terram sumpsit* (D. B. i. 216 b).

¹⁸⁴ Picot was the sheriff and Aubrey de Vere the trespasser (*ibid.* i. 199 b).

¹⁸⁵ *Ibid.* ii. 7 b; cf. Ellis, *Introduct. to Domesday Book*, p. xli.

¹⁸⁶ Thus Haimo held Canterbury of the king (D. B. i. 2). The see of St. Augustine and Abbot Scotland were in 1077 resealed of the borough of Fordwich which Haimo held (*Hist. Mon. S. Augustini*, p. 352). See also above, note 178.

¹⁸⁷ D. B. ii. 1, 2; see also *Victoria County History of Essex*, i. 365.

¹⁸⁸ The services of the sokemen whom Picot lent Earl Roger to aid him in holding his pleas (D. B. i. 193 b) were regarded as lost to the king. Richard fitz Gilbert in Suffolk held as appurtenant to one of his manors certain *liberi homines* formerly acquired by agreement with the sheriff (*ibid.* ii. 393). In Buckinghamshire the sokeman who has land which he can give and sell nevertheless *servit semper vicecomiti regis* (D. B. i. 143, 143 b). The sheriff's custodianship of some cottiers at Holborn was of longer standing (D. B. i. 127). When in 1088 William of St. Calais was proclaimed a rebel the villeins on his Yorkshire manors were seized or held to ransom by the sheriff (*Monasticon*, i. 245). On a Gloucestershire manor of the royal demesne the sheriff is said to have increased the number of villeins and borders (D. B. i. 164).

Southwark.¹⁸⁹ Control of the king's lands also means control of their issues. It is this which in the past has made the sheriff an attendant upon the royal progresses.¹⁹⁰

The innate financial genius of the Norman, together with the unusual opportunities which the period afforded for increasing the royal income, render the sheriff's fiscal functions of striking importance both to the king and the realm. The early development of direct taxation in England as compared with the Continent has been pronounced one of the most remarkable facts of English history.¹⁹¹ Here the sheriff appears both as the agent of a dominant central power and also as its main support.

A *firma comitatus* existed at least in one case before 1066. It is known that by 1086 there are instances of the payment by the sheriff of one sum for the royal revenues of the county which are farmed.¹⁹² The number of such cases casually mentioned suggests that this may long have been the rule in counties where any of the king's lands are held at *ferm*. Not only is there a *ferm* of Wiltshire,¹⁹³ but the sheriff is said to be responsible for the *ferm* collected by reeves, and must make good the amount which is due from them.¹⁹⁴ The annual *ferm* from Warwickshire¹⁹⁵ and from Worcestershire¹⁹⁶ consists both of the *firma* of demesne manors and of the *placita comitatus*, as in the days of the Pipe Rolls. Indeed the *Leges Henrici* will speak of the *soke* of sheriffs and royal bailiffs comprised in their *ferms*.¹⁹⁷ Northamptonshire and Oxfordshire¹⁹⁸ each pays a lump sum in commutation of a *ferm* of three nights. Geoffrey de Mandeville held London and Middlesex for an annual *ferm* of £300, and Essex and Hertfordshire for a fixed sum, the amount of which is not stated.¹⁹⁹ William de Mohun, sheriff of Somerset, likewise accounted for a fixed sum ;²⁰⁰ and in Shropshire, which has become a palatinate,

¹⁸⁹ D. B. i. 32. Ranulf the sheriff, apparently overawed, let the matter go by default.

¹⁹⁰ *Ante*, xxxi. 35, 36.

¹⁹¹ Vinogradoff, *English Society in the Eleventh Century*, p. 140.

¹⁹² Round, *Commune of London*, pp. 72-3.

¹⁹³ *Hanc terram tenet Edwardus [de Sarisberii] in firma de Wiltescira iniuste ut dicit comitatus* (D. B. i. 164).

¹⁹⁴ Above, note 97.

¹⁹⁵ £145 *ad pondus*, to which are added certain customary payments, partly in the nature of commutation, *xxiii. libras pro consuetudine canum, xx solidos pro summario et x libras pro accipitre et c solidos reginae pro gersuma* (D. B. i. 238).

¹⁹⁶ . . . *reddit vicecomes xxiii libras et v. sol. ad pensum de civitate et de dominicis maneriis regis reddit cxxiii libras et viii solidos ad pensum. De comitatu vero reddit xvii libras ad pensum, et adhuc x libras denariorum et de xx. in ora pro summario. Hae xvii. librae ad pensum et xvi librae sunt de placitis comitatus et hundredis et si inde non accepit de suo proprio reddit* (D. B. i. 172).

¹⁹⁷ *Leges Henrici*, 9, 10 a, Liebermann, *Gesetze*, i. 556.

¹⁹⁸ D. B. i. 154 b, 219. For Oxfordshire the amount is £150.

¹⁹⁹ Round, *Geoffrey de Mandeville*, pp. 141-2.

²⁰⁰ Round, *Commune of London*, p. 73.

the earl in 1086 paid one *ferm* for the king's estates and the pleas of the county and hundreds.²⁰¹ The *augmentum* or *crementum* mentioned in Domesday²⁰² appears to be a premium paid by the sheriff in excess of the regular *ferm* for the privilege of farming the shire, the equivalent of the *gersuma* of the Pipe Roll of Henry I.²⁰³

There are various other evidences of the sheriff's activity as head of the *ferm* of the shire. Of this the pleas of the hundred formed an important source,²⁰⁴ the income from which might regularly be included in the *ferm* of lands.²⁰⁵ There are instances in which the sheriff annexes the revenue from a hundred court to that of a royal manor²⁰⁶ or borough.²⁰⁷ Moreover, Maitland's inference that the sheriff lets boroughs to *ferm*²⁰⁸ has been justified by more recent research. The case of Worcester and the familiar example of Northampton²⁰⁹ by no means stand alone. The facts collected by Mr. Ballard make it clear that the sheriff was ordinarily accountable for borough renders.²¹⁰ In the

²⁰¹ Above, note 32.

²⁰² In Oxfordshire £25 *de augmento* is mentioned (D. B. i. 154 b). Edward of Salisbury paid £60 *ad pondus* as *crementum* (*ibid.* i. 64 b). The *gersuma* of Domesday is smaller, and seems to be in theory a gift. Oxfordshire (D. B. i. 154 b) paid a hundred shillings as the queen's *gersuma*. In Essex a *gersuma* of the same amount was paid by a manor or borough to the sheriff (*ibid.* ii. 2 b, 3, 107). See below, note 205. Six manors in Herefordshire rendered twenty-five shillings *gersuma* at Hereford (*ibid.* i. 180 b).

²⁰³ Pipe Roll, 31 Henry I, pp. 2, 52, 73.

²⁰⁴ Both the two pence of the king and the third penny of the earl derived from Appletree hundred, Nottinghamshire, are in *manu et censu vicecomitis* (*ibid.* i. 280). Because seven of the hundreds of Worcestershire had been exempted from his control the sheriff lost heavily in *ferm* (*ibid.* i. 172). Swein of Essex had been granted from the pleas of one hundred in Essex a hundred shillings, from those of another twenty-five (Ballard, *Domesday Inquest*, p. 70).

²⁰⁵ *Vicecomes inter suas consuetudines et placita de dimidio hundred recepit inde xxxiiii libras et iv libras de gersuma* (D. B. ii. 2, Essex). *De hac mansione calumpniantur hundredmanni et praepositus regis xxx. denarios et consuetudinem placitorum ad opus firme Ermtone mansione regis* (*ibid.* iv, fo. 218).

²⁰⁶ *T. R. E. reddebat vicecomes de hoc manerio quod exibat ad firmam. Modo reddit xv libras cum ii. hundred quos ibi apposuit vicecomes*: *ibid.* i. 163 (Gloucester).

²⁰⁷ *Ibid.* i. 162. The income from three hundreds had been combined with that of the borough of Winchcombe.

²⁰⁸ *Domesday Book and Beyond*, p. 209.

²⁰⁹ *Ibid.*, pp. 204-5. Mr. Ballard has remarked that this is the only case in Domesday in which burgesses appear to farm a borough (*Domesday Boroughs*, p. 92). It has been pointed out, however (*Victoria County History of Northampton*, i. 277), that it was a century before they acquired the privilege of farming directly of the Crown. As to the *ferm* of the city of Worcester, see note 196.

²¹⁰ *Domesday Boroughs*, pp. 44-5. The sheriff is mentioned as increasing a borough render. There is allusion to the time when he received a borough upon entering office (D. B. i. 2, Canterbury; i. 280, Northampton). He is said to account for the burghal third penny. The collection of the *census domorum* at Worcester (D. B. i. 172), of the poll tax at Colchester (*ibid.* ii. 106 b), of the port dues at Southwark (*ibid.* i. 32), and of toll in many places (D. B. i. 209; Davis, *Regesta*, i, no. 201) seems to be the work of his agents.

Domesday inquest the sheriff appears as a witness to facts concerning the *ferm*,²¹¹ and sometimes he himself farms royal estates,²¹² though in most cases they are farmed by some one else. The sheriff is frequently mentioned as letting such lands to farm,²¹³ and the person who holds them under him may be regarded as holding at the king's *ferm*.²¹⁴ William II let the hundred of Normancros to the monks of Thorney for a hundred shillings, payable annually to the sheriff of Huntingdonshire.²¹⁵ Extensive districts were sometimes administered collectively. There was a *ferm* of the king's rights for the Isle of Wight.²¹⁶ The *ferm* for a whole group of estates might be collected through a head manor,²¹⁷ a plan necessarily followed when great groups of manors in the south jointly paid the amount of a day's *ferm* in commutation of the ancient food-rent rendered to the king.²¹⁸ A money economy prevails except in the case of certain old renders which seem to have been added to *ferms*,²¹⁹ and sometimes a cash value is set on these. Two Domesday passages record the payment of borough *ferms* to the sheriff about Michaelmas or Easter,²²⁰ although only the latter of these dates corresponds with one of the known terms for the half-yearly payment of Danegeld.²²¹

²¹¹ D. B. i. 248 ; ii. 446 b.

²¹² Thus Gilbert the sheriff of Herefordshire held at farm the *castelleria* and borough of Clifford (D. B. i. 183). Harkstead manor in Essex was farmed by Peter of Valognes (D. B. ii. 286 b). Urse d'Abetot personally accounted for the *ferm* of certain manors in Worcestershire (D. B. i. 172, 172 b).

²¹³ *Hoc manerium cepit W. comes in dominio et non fuit ad firmam. Sed modo vicecomes posuit eum ad lx. solidos numero* (D. B. i. 164). *Durandus vicecomes dedit haec eadem Willelmo de Ow pro lv libris ad firmam* (*ibid.* 162). See also below, notes 217, 220.

²¹⁴ *Reddit per annum xvi. libras ad pensum et quando Baldwinus vicecomes recepit hanc qui tenet eam ad firmam de rege reddebat tantundem* (D. B. iv, fo. 83 b).

²¹⁵ Davis, *Regesta*, i. 453.

²¹⁶ D. B. i. 38 b.

²¹⁷ Briwetone and Frome together rendered the *ferm* of one night *cum suis appenditiis* (D. B. iv, fo. 91). Robert holds *Bedretone in firma Wanetinz* (*ibid.* i. 57, Berks.). Four hides of land lying in a Gloucestershire manor are *ad firmam regis* in Hereford (D. B. i. 163 b). *Ad hoc manerium apposuit vicecomes tempore W. comitis Walpelford* (D. B. i. 179 b).

²¹⁸ See Round, *Feudal England*, p. 109 ff.

²¹⁹ Such as sheep, hawks, sumpter horses, food for the king's dogs, wood for building purposes (D. B. i. 38 b, Dene), salt, corn, and honey. Thus, Domesday has : *dimidium diem de frumento et melle et aliis rebus ad firmam regis pertinentibus. . . De consuetudine canum lxx solidi* (i. 209 b) ; *ii denarios et theloneum salis quod veniebat ad aulam* (*ibid.* i. 164) ; *Ilbertus vicecomes habet ad firmam suam de Arcenefeld consuetudines omnes mellis et ovium* (*ibid.* i. 179 b). See also notes 195, 196. Domesday Book (iv, fo. 91) mentions *firmam unius noctis cum appenditiis*.

²²⁰ Roger Bigot gave Ipswich to farm for £40 at Michaelmas (D. B. ii. 290). At Colchester the burghers of the king each year, fifteen days after Easter, rendered two marks of silver which belonged to the *firma regis* (*ibid.* ii. 107). The reeves on the lands of Worcester made certain money payments at Martinmas and in the third week of Easter (Heming, *Chartulary*, i. 98-9). The burghers of Derby rendered corn to the king at Martinmas (D. B. i. 280).

²²¹ Mr. Round (*Domesday Studies*, ed. Dove, i. 91) points out the coincidence

Other fiscal duties of the sheriff are occasionally mentioned in Domesday Book. The revenues from the special pleas of the Crown, such as *murdrum* and the five-pound *forisfacturae*, though not included in the *ferm*, were collected by the sheriff.²²² The collection locally of the pence for the maintenance and wages of the king's levies²²³ probably fell under his supervision. Picot had from the lawmen of Cambridge, as heriot, eight pounds and a palfrey and the arms of one fighting man; and Aluric Godricson, when he was sheriff, had twenty shillings as the heriot of each lawman.²²⁴ From the reign of King Edward the sheriff or the king's reeve in Suffolk had the commendation or half the commendation of men on certain lands.²²⁵ It is recorded that in the counties of York, Nottingham, and Derby the thane with more than six manors gave a relief of eight pounds to the king, while the thane with six manors or less paid three marks of silver to the sheriff.²²⁶ There is reason to hold that the sheriff had charge of the collection of the Danegeld,²²⁷ and he is mentioned as responsible for port dues collected.²²⁸ Anselm complains that during his absence from England the agents of Haimo took toll of the archbishop's property at Fordwich.²²⁹ At Holborn the king had two cottiers who rendered twenty pence a year to the sheriff.²³⁰ Numerous persons in Hertfordshire, not on the royal demesne, rendered to the sheriff pence in lieu of *avera* or in addition to *avera*.²³¹ At Cambridge the sheriff had exacted of the burghers nine days' service with their ploughs instead of the three days formerly required. Moreover, the *inward* which he claimed, like

between the earlier of these periods and the usual time of the meeting of the great council at Winchester, the seat of the treasury. He holds that the final annual accounting of the collectors of the Danegeld was at Easter. The payment of Peter's pence was at Michaelmas (p. 164).

²²² Above, note 110; *ante*, xxxi. 32-3. *Averam et viii denarios in servitio regis semper invenerunt et forisfacturam suam vicecomiti emendabant* (D. B. i. 189 b).

²²³ See D. B. i. 56 b; ii. 107. It is to be noted that William Rufus made this a systematic means of extortion (Stubbs, *Const. Hist.* i. 327).

²²⁴ D. B. i. 189.

²²⁵ D. B. ii, fos. 312 b, 334, 334 b.

²²⁶ D. B. i. 280 b, 298 b.

²²⁷ *Ante*, xxxi. 34-5. The collectors of the Danegeld were reeves of the class usually under the sheriff's control. His responsibility is assumed by Stubbs (*Const. Hist.* i. 412) and by Mr. Round (*Feudal England*, p. 170), although one of the instances cited by the latter (*Chron. Monast. de Abingdon*, ii. 160) shows that in the reign of Henry I there was a collector of the geld for Berkshire who was not the sheriff. The evidence of the Pipe Roll of Henry I seems to establish the usage also for an earlier period. The Abingdon chronicler (*ibid.* ii. 70) gives wellnigh conclusive evidence for the period when Waldric was chancellor, namely (Round, *Feudal England*, pp. 480-1) just before November 1106. The geld was to be collected in Oxfordshire *per officiales huius negotio deputatos*. From this payment the abbey was acquitted by a mandate of the king directed to the sheriff.

²²⁸ Above, p. 165.

²²⁹ Epist. lvi, Migne, *Patrolog. Lat.* clix. 233.

²³⁰ D. B. i. 127.

²³¹ *Ante*, xxxi. 35-6.

the *avera*, might be commuted by a money payment.²³² From three manors which Queen Edith held in Surrey the sheriff had £7 on account of *adiutorium* which was due from the men when she had need.²³³ The royal service called also for outlays of the produce or money in the sheriff's hands. The sheriff of Yorkshire in 1075 received Edgar the Atheling at Durham and let him find food and fodder at the castle on his route as he travelled to meet King William on the Continent.²³⁴

The Norman sheriff is famous for his extortion and oppression. The vague words of Domesday sometimes suggest that *ferms* may as yet be increased without the king's consent, and there is abundant evidence²³⁵ that during the Conqueror's reign the sheriff and his agents exacted such additions. The old *firma unius noctis* paid by a group of manors in the southern counties, and worth about £70 in the time of King Edward,²³⁶ had risen by 1086 to £105.²³⁷ Norman prelates²³⁸ and barons²³⁹ were very ready to farm the king's lands, and the English Chronicle²⁴⁰ complains that the king let his lands 'as dearest he might', and that they went to the highest bidder. With *ferms* sometimes in excess of the value of lands,²⁴¹ the chronicler may well declare that the king 'cared not how iniquitously the reeves extorted money from a miserable people'.²⁴² That the sheriff at the head of the system reaped his harvest is shown by the *crementum* which he paid.²⁴³ He might exact from those to

²³² Above, note 140.

²³³ D. B. i. 30 b.

²³⁴ *Anglo-Saxon Chron.*, a. 1075. At an earlier time the sheriff had provided the sustenance of the king's *legati* in going by water from Torksey to York (*ante*, xxxi. 31). The king's reeves at Wallingford met the expense of the burghers in the king's service with horses and by water *non de censu regis sed de suo* (D. B. i. 56).

²³⁵ *Quando Rog. Bigot prius habuit vicecomitatum staturerunt ministri sui quod reddent xv libras per annum quod non faciebant T. R. E. Et quando Robertus Malet habuit vicecomitatum sui ministri creverunt eos ad xx libras. Et quando Rog. Bigot rehabuit dederunt xx libras, et modo tenet eos* (D. B. ii. 287 b). Roger Bigot had increased the *ferm* of Ipswich to £40, but finding it would not yield that amount he pardoned £3 (*ibid.* ii. 290^b). Mr. Round maintains (*Geoffrey de Mandeville*, pp. 101, 361) that in the twelfth century the amount collected from a given manor was always the same.

²³⁶ Round, *Victoria County History of Hampshire*, i. 401.

²³⁷ Round, *Feudal England*, p. 113. Under Edward the Confessor a one night's *ferm* collected from a group of Hampshire manors was £76 16s. 8d. Under the Normans this was increased to £104 12s. 2d., and in Wilts and Dorset to about £105 (*Victoria County History of Hampshire*, i. 401).

²³⁸ The bishop of Winchester farmed Colchester (D. B. ii. 107 b) and the archbishop of Canterbury held the borough of Sandwich, which yielded a *ferm* of £40 (D. B. i. 3).

²³⁹ For instance, Hugo de Port (D. B. i. 219), Hugh fitz Baldric (*ibid.* i. 219 b), and William of Eu (*ibid.* i. 162).

²⁴⁰ a. 1087.

²⁴¹ Ballard, *Domesday Inquest*, pp. 221-2; *Victoria County History of Hampshire*, i. 414. The collection of the old *ferm* from a manor which had lost lands and the increase of *ferms* is well shown in the case of royal demesne lands in Gloucestershire: D. B. i. 163.

²⁴² *Chronicle*, a. 1087.

²⁴³ Above, note 202.

whom he let the king's lands a *gersuma* or bonus over and above the amount of the *ferm* due to him.²⁴⁴ In Bedfordshire this was called *crementum*.²⁴⁵

The sheriff stands accused of bad stewardship and greed in trespassing upon the king's rights,²⁴⁶ in wasting the property in his charge, and in depriving individuals of their property. Two manors in Dorsetshire had lost a hundred shillings in value through the depredations of Hugh fitz Grip.²⁴⁷ Sheriffs are credited with the loss of men and animals on the manors of the royal demesne,²⁴⁸ and with the destruction of houses, usually to make room for a castle, which led to a decline of population in some towns.²⁴⁹ Norman sheriffs showed little regard for private rights of property.²⁵⁰ Domesday Book records complaint that some of them have unjustly occupied the lands of individuals.²⁵¹ In one instance the shire testified that land taken by the sheriff for non-payment of Danegeld had always been quit of the obligation.²⁵² Violent imposition of *avera* and *inward* is mentioned several times in Bedfordshire, and land was taken even from a former sheriff because he refused *avera vicecomiti*.²⁵³ Demands upon burghers were sometimes so great that they fled.²⁵⁴ The exactions of Picot at Cambridge are among the worst

²⁴⁴ In Essex the *gersuma* exacted from a borough or manor in several instances amounted to £4 (D. B. ii. 2, 2 b, 107 b), but £10 was collected from one manor (*ibid.* ii. 3). Mr. Ballard (*Domesday Boroughs*, p. 45) interprets the hawk and £4 of *gersuma* paid by the burghers of Yarmouth to the sheriff as a gift to propitiate him.

²⁴⁵ D. B. i. 209, 209 b. The *crementum* rendered by a manor here usually consisted of a certain sum of money plus an ounce of gold for the sheriff annually. To one of the demesne manors in this shire the king granted Ralph Taillebois the right to add other demesne lands to offset the burden of the amount thus imposed.

²⁴⁶ Thus Ralph Taillebois gave to one of his own knights land which he had seized for non-payment of gavel (D. B. i. 216 b). *Superplus invasit Picot super regem* (D. B. i. 190).

²⁴⁷ D. B. iv. 34.

²⁴⁸ Loss of plough oxen on Essex manors is charged to sheriffs, especially to Swein and Bainard (D. B. ii. 1, 2).

²⁴⁹ The Domesday inquest for Lincoln states that certain houses beyond the metes of the castle have been destroyed, but not by the oppression of sheriffs and their *ministri*, as if the reverse were the rule (D. B. i. 336 b). Such destruction occurred at Dorchester, Wareham, and Shaftesbury from the accession of Hugh fitz Grip to the shrievalty (D. B. i. 75); and a *destructio castellorum* occurred at York in 1070, for which another sheriff, Hugh (*ibid.* i. 298 b), was responsible. At Cambridge (*ibid.* i. 189) and Gloucester houses were taken down for the same purpose (*ibid.* i. 162).

²⁵⁰ Freeman says (*Norman Conquest*, iv. 728) of one of these officials who robbed various persons of their possessions, 'he seems to have acted after the usual-manner of sheriffs'.

²⁵¹ Froger of Berkshire held certain lands which he had placed at the king's *ferm absque placito et lege* (D. B. i. 58). Anseulf unjustly disseised William de Celsi (*ibid.* i. 148 b). Ralph Taillebois wrongfully occupied the lands of others (*ibid.* i. 212, 217 b). Eustace of Huntingdon appropriated the burghers as well as the lands of Englishmen (*ibid.* i. 203, 206, 208).

²⁵² *Ibid.* i. 141.

²⁵³ *Ibid.* i. 132 b.

²⁵⁴ Ballard, *Domesday Boroughs*, p. 87.

recorded.²⁵⁵ Through fear of him the men of Cambridge are related to have wrongfully decided a lawsuit in his favour.²⁵⁶

Best known of all are the grievances of the churches and monasteries. The spoliation of ecclesiastical possessions by the followers of the Conqueror was due to the policy of the king, as well as to the rapacity of the baronage.²⁵⁷ But the plundering of the sheriff was sometimes almost systematic. The wholesale seizure of the lands of the church of Worcester by Urse d'Abetot is notorious,²⁵⁸ and the best of evidence shows that they were permanently retained.²⁵⁹ Evesham and Pershore, the other great monasteries of this county, also suffered heavy losses at Urse's hands.²⁶⁰ Others acted in a similar spirit.²⁶¹ The invective directed by the monk of Ely against the greed and impiety of Picot of Cambridge in appropriating lands of St. Etheldreda deserves to be a classic.²⁶² It was well for the prelate to have influence with the sheriff.²⁶³ The story that the sheriff, depart-

²⁵⁵ See above, p. 169. Picot also imposed service with carts and appropriated some of the common pasture, building upon this land his three famous mills; whereby several houses were destroyed, as well as a mill belonging to the abbot of Ely and another belonging to Count Alan (D. B. i. 189).

²⁵⁶ Below, p. 173.

²⁵⁷ The Conqueror undertook to subject the monasteries to feudal service by compelling them to provide a certain number of knights in war or to surrender part of their lands. Out of 72 manors which Burton Abbey originally possessed over 40 were lost (*Salt Arch. Soc. Publications*, v, pt. 1, p. 1). King William quartered 40 knights on the Isle of Ely, towards the support of whom the abbot gave in fee certain lands to leading Normans, among whom were Picot the sheriff and Roger Bigot (*Liber Eliensis*, p. 297). It is said that William Rufus demanded 80 knights (*Monasticon*, i. 461). Mr. Round (*Feudal England*, pp. 296-301) shows the process by which a number of abbeys established knights' fees. Haimo, sheriff of Kent, was one of the *milites* of the archbishop of Canterbury to whom he had given lands (D. B. i. 4).

²⁵⁸ Heming, *Chartulary*, i. 253, 257, 261, 267-9; Freeman, *Norman Conquest*, v. 761, 764-5.

²⁵⁹ Round, *Feudal England*, pp. 169-75.

²⁶⁰ Freeman, *Norman Conquest*, v. 765. Evesham lost 28 out of 32 newly acquired properties. These were seized by Bishop Odo at a *gemot* of five shires which he held, and a large part of them soon given over to Urse and his associates (*Chronicon Abbatiae de Evesham*, pp. 96-7; D. B. i. 172). Mr. Davis (*Regesta*, i, no. 185) shows that Urse retained a hide belonging to the abbot of Evesham after four shires had adjudged the whole manor to the abbot.

²⁶¹ Froger, like his Anglo-Saxon predecessor, won evil renown by holding too closely to the property of the monastery of Abingdon (*Chron. Monast. de Abingdon*, i. 486). Peter of Valognes made aggression upon the property both of St. Paul's (*Domesday Studies*, ii. 540) and of the abbey of St. Edmund's (Davis, *Regesta*, i, nos. 242, 258). Eustace of Huntingdon deprived the abbot of Ramsey (D. B. i. 203) of burgesses, and violently seized lands of the abbey, which for a long time he handed over to one of his knights (*Chron. Abbat. de Ramescia*, p. 175). Ralph de Bernai with the aid of Earl William fitz Osbert (D. B. i. 181; Freeman, *Norm. Conq.* v. 61) also took lands from the church of Worcester (Heming, *Chartulary*, i. 250).

²⁶² *Liber Eliensis*, p. 266.

²⁶³ During his exile Anselm wrote to Bishop Gundulf of Rochester to urge upon Haimo and his wife the restoration of a market belonging to the archbishop which had been seized by a neighbour (epist. lxi, Migne, *Patrolog. Lat.* clix. 235). Haimo was a benefactor of the church of Rochester. See note 59.

ing from York with an imposing retinue, met the laden wains of Archbishop Aldred as they entered the city and ordered the seizure of their contents,²⁶⁴ at least expresses a twelfth-century churchman's conception of this official.

William the Conqueror, though powerful and not devoid of a sense of justice, made little progress with the perennial medieval problem of honest local government. There was no appeal from the sheriff except to the king or his duly accredited representative; this made it practically impossible for any but men of the greatest influence to oppose the head of the shire. In Aldred's case, just cited, the archbishop is said to have obtained restitution through a direct appeal to King William.²⁶⁵ The clause in royal charters commanding the sheriff to see that no injustice is done the grantee is much more than form.²⁶⁶ When the king's justice convened a local court within the shire²⁶⁷ the sheriff took a lower place. The bishop of Bayeux, presiding in the shiremote of Cambridgeshire, not only refused to accept the recognition of a jury alleged to be intimidated by Picot, but ordered the sheriff to send them and another twelve to appear before him in London.²⁶⁸ In taking the Domesday inquest the *barones regis* placed upon oath the sheriff as well as others. Domesday records the contested claims or questionable conduct of the sheriff himself, though usually of a sheriff no longer in office. Machinery has been fashioned which may call him to a reckoning.²⁶⁹ But the Domesday inquest was never repeated, and the mission of royal justices to the county was as yet unusual. Where the king was not directly concerned the sheriff was left to do much as he pleased. Strength and loyalty

²⁶⁴ See Raine, *Historians of the Church of York* (Rolls Series), ii. 350-3. If the story is true the sheriff was William Malet.

²⁶⁵ The same procedure is implied in the instance wherein William Rufus orders the sheriff of Oxford to right the injuries done by his subordinates to the monks of Abingdon (*Chron. Monast. de Abingdon*, ii. 41). Anselm wrote to Haimo that on his return to England his goods ought to have been freed according to the king's precept, and asking the sheriff to restore what his subordinates had seized at Sandwich and Canterbury, *ne me facere clamorem ad alium cogatis* (epist. lvi, Migne, *Patrolog. Lat.* clix. 233).

²⁶⁶ One form of notifying the sheriff of a royal grant prescribed that if injury be done the grantee, the latter is to make complaint to the king, who will do full right. See *Monasticon*, ii. 18; Davis, *Regesta*, i, no. 104. Another form of writ enjoined the sheriff to see that in matters affecting the royal grant no injustice was done. See above, p. 164.

²⁶⁷ He might convene several hundreds (see note 131), a shire court, or several shires. Odo of Bayeux is said to have presided in a *gemot*, at which were present three or more sheriffs (Davis, *Regesta*, i, app. xxiv).

²⁶⁸ Bigelow, *Placita Anglo-Normannica*, pp. 35, 36; Stenton, *William the Conqueror*, pp. 434-5.

²⁶⁹ In the *Leis Willelme*, 2, 1, Liebermann, *Gesetze*, i. 492-3, possibly written in the first third of the twelfth century, but perhaps as old as 1090, the sheriff may be convicted before the justice for misdeeds to the men of his bailiwick.

were his great qualifications. An over-display of the former might be condoned so long as the latter was assured. The spirit of feudality remained, despite striking manifestations of royal power.

By the early years of the twelfth century the long process of reducing the sheriff's power was under way. It is not improbable that the ministry of Ranulf Flambard took the first steps in this direction. William Rufus had his experience with rebellious sheriffs, and the calling out of an army of 20,000 foot soldiers in 1194 served as further reminder of the military possibilities of the office.²⁷⁰ The employment of local justiciars was a device which might take from the hands of such sheriffs the control of the pleas of the Crown. The baronial opposition to Henry I brought further changes. By this reign the sheriff seems to be castellan only when he inherits the position. The hereditary shrievalty still exists in some shires, but by 1106 the feudal danger may be met by placing a group of shires in the hands of a new officer whom the king has raised from the dust.

A strong local official under the king's direction, whose activity epitomized shire government and whose business was administration, was a novelty in a feudal age. The king had other agents to whom he entrusted special judicial and military functions, and in some measure fiscal functions as well, but the fact that some sheriffs were given duties of this sort at the *curia* indicates that the king's servants there were not usually of superior administrative ability. The sheriff's personal prestige, and a feudal status which might even give him a seat in the king's great council, imparted to his office a dignity and a substantial quality which eight centuries have not effaced. Some modification of the functions of the Anglo-Saxon shrievalty came through Norman usage, fiscal efficiency, and the introduction of new feudal dues and services, but the strong combination of powers in the sheriff's hands was nearly all wielded by his English predecessor. The disappearance of the earl hardly added functions which the sheriff had not already performed. The fiscal system which supported the Norman monarchy was largely English, although the sheriff's ideas of financial administration were Norman, as was the practice which made him keeper of the king's castles. Functions incident to ecclesiastical jurisdiction were actually lost. The new life infused into the office which made it powerful came through the energy of the Norman kings and their enhanced views of the royal prerogative. In

²⁷⁰ Florence of Worcester, using a formula of the reign of Henry I, tells that when in 1085 the king of Denmark threatened an invasion of England King William brought over troops from Normandy, and sending throughout England *episcopis, abbatibus, comitibus, baronibus, vicecomitibus ac regis praepositis, victum praebere mandarit*. Cf. note 223.

a manner astonishing to the student of old English polity they assume their own right to do justice, and to that end depute sheriffs or other agents. In the course of general administration the king's direction of their activity is equally prominent. The writ which follows the form of the Confessor's announcements to the shire court assumes initiative. Through it the king issues positive commands to sheriffs, and even lays down rules for their guidance which have all the force of the older English laws.

The need of loyal local officials on the part of a feudal ruler permitted the shrievalty to assume the semblance of a vice-royalty, but its holder was subject to this strong means of control supplemented by the local law and custom of the shire, and usually by his vassalage to the king. The dread agent of Norman monarchy, fitting counterpart of the grim Conqueror, under whose administration the peasant was oppressed by excessive rents, the monastery deprived of its lands, and every one subjected to the danger of wanton oppression, seems a heartless adventurer. But he was no instrument of feudal anarchy. Despite his feudal interests, personal attachment to the king and the rewards which it brought committed him to the cause of strong monarchy. His profits in holding the shire were a buttress to the king's authority. His authority over both hundred and shire prepared for the rule of the common law at a later time, and apparently led to the system by which vills came to be represented in the shireMOTE and hundredMOTE.²⁷¹ His view of frankpledge kept him in personal touch with the hundredMOTE. The public nature of this body could not be jeopardized through the encroachment of feudal lords so long as the income from its pleas formed an integral part of the sheriff's *ferm*. The strong local position of the sheriff, sometimes supplemented by command of the castle, made him powerful to enforce judicial decrees or royal orders affecting even the strongest lords of his county.²⁷² His check upon the political power of feudalism and his preservation of the old communal assemblies to render important service to later generations, to say nothing of his maintenance of law and order and his great services to administration in general, demand for the Norman sheriff our lasting gratitude.

W. A. MORRIS.

²⁷¹ See *Leges Henrici*, 7, §§ 4-8, Liebermann, *Gesetze*, i. 553-4.

²⁷² The defection of Earl Roger in 1075 was due in part to the fact that the king's sheriffs had held pleas on his lands (Adams, *Political History of England*, p. 61)

Some Sixteenth-century Travellers in Naples

NOT every traveller to Italy in the sixteenth century visited Naples. It was off the beaten track, and the journey besides being something of an adventure was moreover an exceedingly tedious one. The country south of Rome was overrun with brigands, and if one went by road it was imperative to travel with the carrier and his pack mules,¹ while Moors and Turks lay in wait for travellers by sea.² There can be little doubt that delays and difficulties such as these must have deterred many travellers from making the journey. A century later the prospect of visiting Vesuvius, to ascend the cone and gaze down into its restless crater, was sufficient to attract visitors to Naples in considerable numbers, but during the whole of the sixteenth century, and indeed until 1631, Vesuvius was for all practical purposes an extinct volcano. The crater had become a veritable gulf of verdure, where cattle browsed and where workmen plied their trade among the dense forests which had grown up to maturity in the lava soil. Its slopes were covered with vegetation, and nothing but a rim of calcined stones at the very summit, and here and there a wreath of smoke, betrayed the volcanic fire within.³ Herculaneum and Pompeii were forgotten and Paestum was undiscovered, while the baths of the Phlegraean Fields which enjoyed a great reputation in the Middle Ages⁴ (and of course

¹ An escort of sixty soldiers was provided by the pope (see Fynes Moryson, *Itinerary* (reprint, Glasgow, 1907), i. 226). Moryson is the chief authority for the conditions of road travel between Rome and Naples in the sixteenth century. In the next century much the same state of things existed (Raymond, *Il Mercurio Italico* (1648), p. 113).

² Sir Thomas Hoby, *Travels and Life*, 1547-64, Camden Society, 3rd series, vol. iv (1902), p. 27.

³ See Abate Bracini, *Dell' Incendio fultosi nel Vesuvio* (Naples, 1632). He describes the mountain in 1612. Cf. H. Megiser, *Deliciae Neapolitanae* (1605), p. 76. He visited the mountain in 1588. The condition of Vesuvius before 1631 is described in A. H. Norway's *Naples, past and present* (4th ed.) (1911), p. 182.

⁴ See the notices of the baths at Pozzuoli in Graevius's *Thesaurus Antiq. Italiae* (1725), ix. iv. Benjamin of Tudela (c. 1165) speaks of them as much frequented in his day, *Itinerary* (ed. M. N. Adler, Oxford, 1907), p. 8. Their virtues were sung a little later by Pietro da Eboli, a writer of about 1200. See E. Pércopo, *I Bagni di Pozzuoli, poemetto napoletano del sec. XIV* (Naples, 1887), p. 11 (from the *Arch. Stor. per le*

before) do not appear to have attracted foreigners in the sixteenth century to any considerable extent. By 1550, however, when the vast diffusion of Italian influence began to affect the whole idea of travel, and the custom of sending young men abroad as part of their education became a fixed habit, we find a number of visitors in Naples. These early travellers often preserved a freshness of outlook which is not always found among later tourists. A century afterwards the world of letters was full of the 'Relations', 'Discourses', and 'Observations upon Travel' of returning travellers, and not all of them repay perusal. In the more interesting of the earlier itineraries there is nothing that is second-hand. The travellers described what they saw in their own way and in their own words, a practice which fell much into disuse as time went on and the number of travellers and travel books began to multiply.⁵

The ordinary post route from Rome to Naples followed at intervals and for a considerable distance the line of the Via Appia. It ran first of all by Marino to Velletri and Cisterna. Shortly afterwards the Via Appia, which was here carried through the Pontine Marshes, became impassable,⁶ and a détour was made by way of the Volscian towns of Sermoneta and Sezze along a winding mountain road through Piperno to Terracina. The road then continued through Fondi to Formia, an excursion being usually made to Gaeta, and thence still along the Via Appia to the passage of the river Garigliano from which two routes might be taken: the one usually followed ran along the modern road to Capua and thence south through Aversa to Naples, entering the city by the Porta Capuana; the other and less frequented route following the Via Appia left the modern road below the passage of the Garigliano and continued to Mondragone (Sinuessa) where the Via Domitiana was reached, which carried the traveller along the coast to Torre di Patria (Liternum), Cuma, Pozzuoli, and Naples. This alterna-

Prov. Napol., xi. 597-750). When Petrarch was there in 1343 the baths were adorned with marble circles on which were fingers pointing to that part of the body which the particular bath was proper to cure (Letter to Cardinal Colonna, quoted by Thomas Campbell in his *Life of Petrarch*, prefixed to the *Sonnets, Triumphs, and other Poems* (1859), p. lv). These were, however, destroyed by certain doctors who found that the inscriptions enabled people to dispense with their services. See Comparetti, *Vergil in the Middle Ages*, Engl. transl. (1895), p. 271; cf. Burchard, *Diarium* (1494), ed. L. Thuasne, Paris, 1883-5, ii. 172; Panvini, *Il Forestiere instruito alle Antichità di Pozzuoli* (1818), pp. 100, 101. A list of the baths in use in and before the sixteenth century is given with notes in appendix A to Mr. R. T. Gunther's article 'The Phlegraean Fields', *Geogr. Journal*, Oct. 1897.

⁵ A list of travellers to Naples after 1575 is given in Mr. Gunther's *Bibliography of works on the Phlegraean Fields*, published by the Royal Geographical Society, 1908.

⁶ Schottus, *Itinerario* (1650), p. 386. The posts are given at the end of any edition of Schottus. I have used a late edition, but this work was first published in Latin in 1600. It is not commonly known that Warcup's *Italy* (1660) is almost literally a translation of this work.

tive route, although more commodious, was more dangerous than the other and the accommodation was wretched.⁷ The distance by either route was much the same, the roads were equally bad, and the journey usually occupied five days.

Once at Naples the ordinary round for travellers was more or less defined at an early period. If possible the visitor would contrive to witness the miracle of the boiling of S. Januarius's blood, or if there in February he would be present at the Shrove-tide carnival. A day or two would be spent in seeing the arsenal, the castles, the churches, the various hospitals and philanthropic institutions, and the harbour; the traveller being no doubt carried about the city in one of the sedan chairs which were a feature of Naples, and which the traveller, if an Englishman, had probably never seen before.⁸ Among the attractions within the city were various closets of rarities preserved in noblemen's houses where could be seen those exotic curiosities and odds and ends of natural history⁹ which no sixteenth- or seventeenth-century traveller could resist. Vesuvius, as we have seen, was not commonly visited. An excursion would be made to Pozzuoli, but first of all the traveller would climb the steep ascent to the tomb of Virgil at the entrance to the Grotta di Posilipo where Petrarch's Bay Tree, despoiled by relic hunters in the nineteenth century, was still standing. Then penetrating through the dust and darkness of the grotto, that ancient tunnel by which for more than 1,500 years travellers from Naples to Pozzuoli had saved themselves the trouble of the hill, the traveller would visit the Grotta del Cane, where an unhappy dog was thrust struggling into the cave till he was stupefied by the poisonous gases and then flung into the adjoining lake to revive or perish. The crater of the half extinct volcano of Solfatara, which is still worth any trouble to see, would be visited next. Here the traveller would inspect the various smoke-holes or fumaroli,¹⁰ whilst the guide beguiled

⁷ Moryson, i. 258. He slept on straw at the inn at Liternum and was in constant fear of bandits.

⁸ Cf. Moryson, i. 239. Sedan chairs were not introduced into England until 1621, but were in use in Genoa at this time. G. Sandys, who was in Naples c. 1615, has a figure of one of them, *Relation of a Journey* (1625), p. 268. See notes 156, 157 to H. Maynard Smith's 'John Evelyn in Naples' (Oxford, 1914). This work contains a number of useful references to English travellers in Naples in the seventeenth century.

⁹ The German traveller Kiechel saw in the collection of a Neapolitan gentleman among other things 'ein lamm mit zweyen köpfen, ein basilisekhenn ay, ein stein von einem donnerstrahl', *Reisen*, ed. Hassler, p. 176.

¹⁰ Burchard's description of this curious and disquieting place may be quoted: 'Est locus planus, quasi rotundus, medium miliare per circuitum interiorem continens, vel circa, montibus omnino circumdatus, modico spatio dempto, ad Puteolanum exitum prebens, habens duas piscinas ad invicem satis distantes continuo et immoderatissime bullientes, et unum foramen ex quo continuo horribilis fumus ignis exit sine flamma impetum et strepitum magnum faciens,' ii. 171.

him with stories of hob-goblins and horrible noises within the vents which were indeed nothing more or less than the actual chimneys of hell. The amphitheatre at Pozzuoli was greatly damaged in 1538, and few travellers describe it except as much ruined.¹¹

The episcopal city of Pozzuoli would be reached about noon, and here the traveller, having given up his arms¹² and eaten his midday meal,¹³ would view the ruins, particularly the Temple of Augustus, which had been converted into a church where were shown the bones of a giant 'of wonderfull bignes'.¹⁴ Here a boat would be hired in which the traveller sailed along the coast to the Bay of Baia,¹⁵ taking in the ruins of the Portus Julius, the Lucrine Lake, then a 'little sedgy plash', and Monte Nuovo on the way. The terrible disturbance which produced this mountain in the space of twenty-four hours was very fresh in the memories of the natives,¹⁶ and the travellers returned with the most varied and extraordinary stories concerning its formation. An eyewitness¹⁷ records that the eruption was so terrific that the ground was covered with ashes for seventy miles, and it is small wonder that an event so sensational in itself should lead to exaggeration. Cuma, Lake Avernus, the various underground baths and sweating places, and the Sibyl's Grotto had all to be visited in turn. From Baia the traveller, having inspected the antiquities, the subterranean building called variously the Cento Camerelle, the Carceri di Nerone or the Labyrinth, and the reservoir known as the Piscina Mirabile, proceeded to Misenum and returned to Baia, whence he took boat again for Pozzuoli, reaching Naples by carriage or on horseback. One day only was usually devoted to this excursion, and it must have been a fatiguing one.¹⁸ The leisurely traveller, however, frequently spent ten, twelve, or fourteen interesting days in Naples itself. A century later than the period of which we are writing, when the city had become

¹¹ Fichard is a notable exception. See below, p. 187.

¹² Cf. Villamont, *Les Voyages* (1605), p. 87; Moryson, i. 246; Wedel, *Reisen*, ed. Bär, p. 193 (see below, p. 189, n. 46). Kiechel and his fellow travellers obtained some kind of permit, possibly connected with their arms, *Reisen*, ed. Hassler, p. 170 (see below, p. 193). The city, although subject to the king of Spain, had its own laws and was not under the government of Naples: Wedel, *loc. cit.*

¹³ Burchard (1494) took with him 'mulum vino, panibus, carnibus, confectionibus, intorticiis et aliis rebus . . . oneratum', ii. 170.

¹⁴ Moryson, i. 246.

¹⁵ Sometimes the boatman sailed his travellers to the farthest point of the Gulf of Pozzuoli and disembarked them there. In this case the visitors would take the points of interest on their return journey: Fichard, *Itin.*, p. 86.

¹⁶ Mr. Gunther has pointed out to me that probably the ashes were still warm.

¹⁷ Francesco del Nero, *Lettera a Niccolò del Benino* in *Archivio Storico Italiano* (1846), ix. 93-6.

¹⁸ The Duc de Rohan slept at Pozzuoli and continued the next day: *Voyage fait en l'an 1600* (1646), p. 107. Moryson continued the journey to Liternum to see the tomb of Scipio, slept at Liternum, and returned the next day, i. 259.

something of a tourists' centre, the sights were more systematically mapped out and a kind of circular tour could be arranged, so that a traveller leaving Rome could see the sights at Naples and be back again in Rome in fifteen days.¹⁹

We begin with the German travellers. There is little doubt that the habit of foreign travel developed in Germany at an earlier stage and upon broader lines than elsewhere. As early as 1500 influences were at work which developed later into a genuine mania for travel. Denunciations from the pulpit and a number of references in contemporary literature show to what extent this *Reisesucht* was affecting the habits and outlook of the people. Princes and noblemen not only sent their own sons abroad but subsidized others whose parents were less fortunately placed.²⁰ The foreign universities were thronged with Germans, artists and scholars flocked to Italy, while the South German merchant found in Venice an accessible and profitable outlet for his goods. Italian influences as affecting the German people were on the whole less marked than were the French, but there was a general movement towards Italy both for trade, culture, and experience; a movement which became more noticeable as the century grew older.²¹ From among a good many narratives of travellers who visited Naples at this time I have selected three for detailed treatment, none of which seems to be well known. The first is earlier in date than most records of its kind, and apart from its general interest is valuable on that ground alone. The other two are of the more ordinary kind, but they present in a very human way the experiences of the average sixteenth-century traveller in Naples and its immediate neighbourhood.²²

¹⁹ *Perth Letters* (Camden Society, 1865), p. 95.

²⁰ Notably Duke Christopher of Württemberg and Landgrave William the Wise of Hesse. See Steinhausen's first article quoted below in note 21.

²¹ The whole subject of early German travel and the effect of foreign influences in Germany is ably dealt with by Professor Georg Steinhausen in *Zeitschrift für vergleichende Litteratur-Geschichte*, neue Folge, vii. 349 ff.; *Die Anfänge des französischen Litteratur- und Kultur-Einflusses in Deutschland in neuerer Zeit*. See also the same writer's *Beiträge zur Geschichte des Reisens, Ausland* (1893), nos. 13, 14, 15, 16. His *Geschichte des deutschen Briefes*, vol. ii, contains much information concerning German relations with Italy at this time.

²² Other German travellers who visited Naples in the sixteenth century were :
1539-43. Georg Fabricius, *Itinera . . . Romanum . . . Neapolitanum* (Lips., 1547).
1561. B. Khevenhüller. Czerwenka, *Die Khevenhüller* (Wien, 1867), pp. 181-4.
1563. Alex. von Pappenheim. Extract in Röhricht and Meisner, *Deutsche Pilgerreisen* (1880), pp. 424-9.

1565 C. N. Chytraeus. *N. Chytraci variorum in Europa itinerum deliciae* (Bremæ, 1594), pp. 64-119 (frequently met with in Burton's *Anatomy*).

1574. H. Turler, englished 1575, is noted later on.

1575. S. V. Pighius, *Hercules prodicus* (1587); *Life and travels of Charles Frederick, duke of Cleves, who died at Rome before reaching home*.

1582-9. Michael Herberer, *Aegyptiaca servitus* (1610), pp. 475-9.

Johann Fichard,²³ the son of a Frankfurt schoolmaster, was born at Frankfurt-on-the-Main on 23 June 1512, and died there on 7 June 1581. His youth is fully described in his autobiography published in the *Frankfurtisches Archiv für ältere deutsche Litteratur und Geschichte*.²⁴ He studied law under Simon Grynaeus and Sinapius at Heidelberg, and became Doctor of Civil Law in 1531. After practising as an advocate at Speyer he returned to Frankfurt, and was made *Assessor iudicialis* and *Consiliarius* or *Advocatus rei publicae* in 1533. In April 1536 he started on his travels. He first visited Innsbruck, where he remained several months, and then travelled through Italy to Naples, and finally settled at Pavia where he continued his studies until 1537. In 1538 he returned to Frankfurt, to take up his work again; here he married the daughter of one of the old patrician families and was ennobled.

The account of his travels in Italy, written in Latin, has been printed in volume 3 of the *Frankfurtisches Archiv*.²⁵ Fichard was a shrewd and interesting traveller, but a curious sidelight is thrown on his general outlook by the following account of his apparently fruitless attempt to recover possession of certain gold rings which had been stolen before his departure from Rome.

When I was about to set out for Naples, he says, I had entrusted some gold rings of mine to a certain citizen and he had lost them through theft. I was taken to a certain Jew, a famous magician and necromancer. I saw him conjuring and hiding a demon in a glass jar, but what he answered was certainly meaningless. But I had deposited them with a rascal whom I used formerly to believe to be an honest man.²⁶

1583. Johann von Lauffen, text printed in the *Luzerner Zeitung* (1864); see also Röhrich, *Deutsche Pilgerreisen* (1900), under date 1583 C.

1587. Hans Breissinger, MS. Dresden. Cod. F. 171 c; see Hantzsch, *Deutsche Reisende des 16ten Jahrhunderts* (Leipzig, 1895), p. 77.

1588-9. H. Megiser, *Deliciae Neapolitanae*, 1605.

1589. Anon., *Itinerarium totius Italiae* (1602). Naples, May 6 to 11.—*Studio et industria trium nobilissimorum Germaniae adolescentium, qui omnia anno praeterito maximis suis sumptibus ipsimet experti sunt, omniaque contemplati* (from title-page).

1593. Duke Max of Bavaria, MS. at Munich, Cgm. 1972; see Hantzsch, *op. cit.*, p. 86.

1599. Paul Hentzner, *Itinerarium Germaniae, Galliae, Angliae, Italiae* (1629), pp. 444 ff.

This list does not pretend to be complete. See p. 192, note 53. I had hoped to be able to trace a number of manuscript sources in Germany, but that is now out of the question, and owing to the exigencies of military service it has been impossible to search at all exhaustively even for printed materials.

²³ *Allgemeine Deutsche Biographie*, vi. 757.

²⁴ Edited by J. E. von Fichard (1812-15), ii. 7 ff.

²⁵ pp. 1-130 (Naples, pp. 74-96). The editor tells us that the author had adorned the margin of his manuscript with a number of sketches and drawings. It has not been possible to trace the present owner of this manuscript, if it is still in existence, but the drawings might form an important addition to our knowledge of the condition of the various ruins and antiquities at this time.

²⁶ p. 75.

The narrative, although not in the form of a diary, was evidently written down at the time. It bears considerable evidence of haste and was obviously not intended for publication. Fichard does not record the time he spent at Naples nor the date of his arrival, but he was in Rome in July and August 1536, and was most probably in Naples during a considerable part of the month of September.

He approached Naples by the coast road, the second of the two routes above described, passing through the Grotta di Posilipo on the way. His description of the grotto is as follows :

Those who are going to Naples, at the last milestone to the city, must cross that very famous mountain the Grotto of Virgil (for so, unless my memory deceives me, they call it). Now at that Grotto there is a very straight and level passage through the mountain itself from the lower part, its length half an Italian mile (to say the least), its width such that two loaded wagons can pass through at the same time. Its height is unequal, for close up to both entrances (which have the form of doors) [the entrances] are so lofty that a man sitting on a horse can ride in with upright lance, but within, the roof is lowered so that the whole does not much exceed the stature of three men. The mountain has been hewn out with the utmost care, the walls on both sides being even and equal, meeting at the top in an arch. Each of the two doors has a certain higher aperture by which light is supplied to a great part of each entrance. The inner parts, however, are very dark. On which account it is the custom that when persons meet with wagons or horses (because on account of the dusty soil hearing is not easy) they cry 'alla montagna' or 'alla marina', that both parties may know on which side they should give way.²⁷ There is a common belief that any one committing murder or robbery there is powerless to go forth, which thing is said to have been proved by experiment.²⁸ Towards the middle a crucifix has been set up against the wall.²⁹

²⁷ The history of the grotto and of the various alterations made to it from time to time is to be found in Mr. Gunther's *Pausilypon, the Imperial Villa near Naples* (Oxford, 1913), pp. 16-19, where an excellent drawing and ground-plan are given.

²⁸ The belief can be traced back to Gervasius of Tilbury, who tells us that the magician Virgil was able 'by his mathematical knowledge' to bring about that no conspiracy could ever take place in the cave at Puteoli. See Comparetti, *Virgil in the Middle Ages*, p. 262. Cf. Petrarch, *Itinerarium Syriacum* (*Opera*, Basle, 1581), p. 560 : 'Sunt autem fauces excavati montis augustae, sed longissimae, atque atrae tenebrosa inter horrida semper nox, publicum iter in medio, mirum et religioni proximum, belli quoque immolatum temporibus, sic vero populi vox est, et nullus unquam latrocinii ac tentatum patet.'

This legend is also recorded by Dietrich von Schachten, who was at Naples in December 1491, in the train of the Landgrave William the Elder of Hesse. His account is as follows : 'Da rietten mir durch einenn berg hienn, dasselbige loch ist fenster, muss mann Kertzenn habenn, hienndurch zu reittenn : denselbenn gang durch gedachttenn berg hatt gemacht Virgilius mitt seiner Kunst, dann Es ein grosser umbgang undt reittenn wehre, söltte Mann einenn grossenn berg gahr umb ziehenn, undt mittenn ihnn dem gange ist die figur unsser Liebenn Frawenn mitt Ihrem Liebenn Kientde auff einer seittenn undt auff der Andern seittenn. Darzu hatt die tugentt ann Ihme, das Mann Niemandt darienn nichtt mordenn magk noch bestelenn, darzu nichtt raubenn, undt wer solche dienge darien handelt, der mag nichtt darauss

At the Naples entrance to the grotto Fichard found a chapel or shrine of the Virgin above the doorway reached by steps cut in the rock, of which only the upper ones remained.³⁰ The lower steps had been cut away, with the object apparently of preventing easy access to the hill-side. It seems that certain of the Neapolitan ladies, 'non Virginem Divam, sed Venerem colebant', had been in the habit of using the steps as a means of approach to the darkness and seclusion of the woods, and the authorities had cut them away in order to put a stop to the practice.

Close to this chapel on the right hand was the tomb of Virgil, but no description of it is given. Fichard was disposed to be sceptical.

In truth, he wrote, others say that it stands not here but in the garden of the monastery which is upon the hill, with these verses which are commonly known :

Mantua me genuit, Calabri rapuere, tenet nunc
Parthenope &c.

kommenn, undt dasselbige ann zweieinn Mördernn probiret ist, die Jemandt sein Lebenn namenn, mochttenn nichtt vonn dannenn hienn weg komenn sondern Ihnenn wardt Ihr recht, wilches die bösenn bubenn verwircktt, nach der Justitien mittgetheilet undt ann Ihnenn exequiret, undt ist solches Etwann zwei Armbrost schuesse lang.' See Dietrich von Schachten, *Beschreibung der Reise ins heilige Landt welche Herr Landgraf Wilhelm der ältere anno 1483 (1491) sonntags nach Ostern vorgenommen.* In Köhricht and Meisner's *Deutsche Pilgerreisen nach dem Heiligen Lande* (Berlin, 1880), pp. 162-245 (224-5).

In this legend and in the existence of the chapel of Santa Maria della Grotta in the middle of the tunnel which replaced an earlier Mithraic shrine we are able to trace a definite attempt to preserve order in what might otherwise have been a very dangerous locality.

²⁹ Cf. Burchard (1494), ii. 173: 'Circa medium habens Crucifixum ipso monti incisum ab uno latere, ab alio vero imaginem beatae Virginis.'

³⁰ p. 75: 'Super portam sacellum quoddam S. Virginis adhuc videtur . . . Ad hoc sacellum ad dextram sepulcrum Virgilio Maronis a quibusdam demonstratur.' I am unable to identify this chapel. It was probably nothing more than a shrine. J. Raymond, who was in Naples a century later, states (*Il Mercurio Italico* (1648), p. 145) that the guides commonly show a false building as Virgil's tomb, and gives a drawing (p. 147) showing (A) Virgil's tomb, (B) the entrance to the grotto, and (C) 'a little chappell taken for Virgills Tombe but falsely'. From Fichard's statement the chapel must have been quite close to the tomb, the tomb being to the right of it. Raymond's drawing, however, shows (C) as just below the tomb slightly to the right hand, and between it and the entrance to the grotto. Mr. R. T. Gunther of Oxford, whose valuable work already quoted gives the best modern account known to me of the grotto and the tomb, tells me that below the tomb there used to be a niche covered with a substantial arch with a fresco painting of the Virgin surrounded by angels. When first built this would have been raised only a little above the roadway, but when the roadway was lowered it must have been left skied up on the tufa rock surface. This corresponds more or less with Raymond's chapel and may possibly have been the shrine referred to by Fichard. The vicinity had a bad reputation from early times, and the hermit who in the early nineteenth century used to show his *prescepio* in the excavation to the right of the entrance of the grotto used also to take people to see a little tunnel cut in the rock where the inhabitants of Naples went to worship the god Priapus. Cf. Capaccio, *La vera Antichità di Pozzuolo* (1682), p. 20; Carletti, *Topografia del Regno di Napoli* (1776), pp. 303-4. My thanks are due to Mr. Gunther for much valuable assistance here and elsewhere.

which appears to me to be most probable. However I can scarcely believe that his sepulchre exists to-day either here or there.³¹

At the eastern entrance to the grotto was a church of 'Nostra Donna de la Grotta', famous for its miracles, and which Fichard states was just beginning to collect votive offerings as it had only recently been set up.³² Shortly after Naples itself could be seen, the possessions and gardens of the city reaching almost from the church to the city boundary. Fichard thus describes the city:

It is situated at the gulf of the Tuscan sea, of triangular shape, sea at two of its angles, at the third mountains, which, when one looks back, are no great distance away—it has five citadels of which two are in the sea and two in the town, one is called Castel Veggio, another Castel Nuovo, and the fifth on the top of the mountain overhanging the city, which is the most famous of all, not by reason of its own strength but on account of its situation. The city is not level but with buildings rising gradually (for the soil slopes upwards) as if it were built cleft in two. The lower part which is most densely inhabited is occupied by the common people and merchants and the public buildings. The higher part is inhabited by nobles of which there is a great number, wherefore in this even more beautiful palaces are seen than in the whole city besides, amongst which the palace of the prince of Salerno and the palace of the lord of Ursinum³³ in the region of the church of Monte Oliveto are most noticeable; the owners of the rest I do not know. But also in the rest of the city the houses are excellent and beautiful.

Like most other travellers of his time he was much struck by the excellence of the water-supply. Almost every house had its cistern of excellent water, a benefit enjoyed by no other town in the whole of Italy. The streets he describes as

rather narrow than wide . . . three are of wonderful length, the upper one known as La Vicaria, another as Capuana, and the third leads from the region of the citadel to the Market Place.³⁴ Each is memorable.

³¹ The vexed question as to the exact spot at Naples where Virgil was buried will perhaps never be settled. The traditional site at the east entrance to the Grotto is the one usually accepted by travellers, but even here two sites were shown, Sandys (1610), *op. cit.*, pp. 263–4. It was also claimed that the grave was to be found at the other or western end of the grotto: Fynes Moryson, i. 241, 242. Sarnelli, *Nuova Guida di Pozzuoli* (1782), p. 4, disposes of the western site very summarily: 'Hanno errato quei, c'hanno lasciato scritto essere il sepolero di Virgilio uscendo dalla Grotta per andare a Pozzuoli.' The question is discussed by Mr. Gunther, *op. cit.*, p. 201. See also Peignot, *Recherches sur le tombeau de Virgile*, Dijon, 1841; Coccia, *La Tomba di Virgilio*, Turin, 1889.

³² The existing chapel to Santa Maria della Grotta was erected in 1546 by Pietro di Toledo, who paved the roadway and improved the lighting arrangements. It was situated in the middle of the grotto. What chapel Fichard is describing is not clear unless it is the church of S. Maria di Piedigrotta, but this could not, even in Fichard's time, be properly described as 'nam recens et iuvenis adhuc est'.

³³ The writer of the Lansdowne MS. 720 (British Museum) notes the 'beaux palais del Principe di Salerno . . . il palazzo d'Ursino et grand nombre d'autres pareils', fo. 395.

³⁴ Cf. Fynes Moryson, i. 238: 'It hath three fair broad and long streetes namely La Toletano, La Capuana, and la vicaria; the rest are very narrow.'

He passes briefly over the churches, but remarks with reference to the Church of S. Loi that it was so dark that it might have been made out of the saint's own workshop.³⁵ He next describes the market place, where were the inns, but they were for the most part of very poor appearance and indeed in the whole town the want of good clean inns was very noticeable.³⁶ Fichard himself was the guest of a wealthy Spanish lady, a widow, to whom he had been recommended. There were only a few galleys and no more than eight ships in the harbour at the time of his visit.

Fichard climbed the heights to the Carthusian monastery of San Martino, and was particularly impressed by the magnificent view from the gardens over the town to the sea, but beyond this there was nothing particular to notice. Close at hand, dominating the whole town, was the Castel Sant' Elmo, but no one was allowed to enter, not even the citizens themselves. It had the appearance of great age, but certain of the walls were being demolished and the whole castle was being altered and rebuilt.

In the Castel Veggio (Capuana) Fichard was received by the prior, a native of Brabant, *vir perhumanus*, and was very courteously treated. He led Fichard through the more worthy apartments, but they were not at all remarkable. 'They appear to have been built to contain former generations, and are now almost all squalid with age. It was pleasant, however, to contemplate the ancient buildings and especially the ancient pictures therein.' The armoury was visited next, where among other arms was shown the panoply of Francis I captured at Pavia, which Fichard tells us 'was made of the finest and best iron, but without any ornament of gold as I have seen in other panoplies. The breastplate, which was wonderfully heavy, was held out in their hands for me and others to weigh'.³⁷ Outside the castle grounds were certain extensive and beautiful gardens, and within the castle were little hanging gardens, but except for the view they contained nothing notable.

The Castel Nuovo Fichard describes as a well-fortified and beautiful structure. 'On that side which faced the city it is enclosed by a deep ditch. It is in addition double, for having entered you see the real castle itself which is fortified by a similar ditch and by walls and towers. The pavement, however, is raised so that one goes up to it by an ascent.' The triumphal arch

³⁵ St. Loi, St. Eloi, St. Eligius, the patron saint of blacksmiths. Sarnelli describes the church as 'una delle principali di Napoli, se bene non ornata alla moderna': *Guida de' Forestieri della Regal Città di Napoli* (1697), p. 254.

³⁶ Cf. Moryson, i. 238: 'Neere the market place are many Innes but poore and base; for howsoever the City aboundeth with houses where they give lodging and meat, yet it deserves no praise for faire Innes of good entertainment.'

³⁷ It was kept in the armoury in the town in Moryson's time (1594), i. 236. He likewise notes that it lacked 'any ornament of gold'.

erected by Alfonso of Aragon to celebrate his entry into the city, probably the finest piece of building now left in Naples, was even in Fichard's time the most beautiful he had ever seen. Adjoining the Council Hall was the tower in which lived Dominus Joanne de Corteville, the custodian of the *Jocalia Caesaris*³⁸ to whom Fichard had been recommended by a deacon of Notre Dame at Antwerp. Fichard was graciously received by this great man who detailed a certain Cornelius, who lived with him in the tower, a learned man, to be his daily companion. By the courtesy of de Corteville the *Jocalia* was displayed to Fichard and to certain friends of the custodian who were invited to be present with their respective wives and daughters, so that, as Fichard gallantly puts it, his eyes were rejoiced by a double spectacle.

He next describes the Poggio Reale, a famous place of summer resort outside the town, with its gardens, aviaries, fish-pools, and beautiful views. The palace, of which a few ruins remain to-day, and the wonderful bathing-place surrounded by an elaborate portico³⁹ had been sadly despoiled by the French in the last siege, but even in decay it was a place of singular charm.

If it could be restored to its former beauty, says Fichard, it would be difficult to find a more spacious or a more magnificent bathing place in the whole of Italy. . . . Everywhere are little fountains and the soothing murmur of gliding waters, and the delightful prospect of woods, trees, and fruit. But indeed all the gardens and the fields around Naples have a certain extraordinary charm.⁴⁰

Naples, he thought, was rightly called the gentle, since in no other town was there a greater number of nobles who more worthily preserved their dignity.

No one deigns to walk on foot, nor is any one negligently clad. And in one day a greater number of beautiful horses can be seen than in half a year in the court of a German prince.

³⁸ 'The kingly ornaments,' Moryson, i. 237.

³⁹ Cf. Burchard, ii. 174: '*Poggio Regali, quod est pulcherrimum palatium extra Neapolim, ad duo miliaria, quadratum, in quatuor angulis, quatuor quadratas turres habens altum, ad duo solaria supra terram, ab intus circumcirca testudinatum, ad deambulandum in medio habens locum, ad quem per octo vel decem gradus descenditur, qui quemdam conductum habet amplissimum, per quem, volente rege, locus ipse quasi in uno momento aqua repletur.*' Earlier than the period covered by this article the flat country around Naples must have been a pestiferous swamp of stagnant waters. All the rain water which scoured the deep torrent beds on the flanks of the hills of Camaldoli and of the Leutreceo then accumulated until it could find a sluggish outlet to the sea. In 1483 Alfonso II, being persuaded of the possibility of drainage, chose a site—Poggio Reale—on the higher ground and there built a palace (Giuliano da Majano being his architect), the grounds of which he laid out with bathing pools, trees, shady walks, &c. The water was collected in cisterns and reservoirs from the torrents which swept down from the hills after rain.

⁴⁰ 'The gardens without the wals are so rarely delightfull as I should thinke the Hesperides were not to be compared with them,' Moryson, i. 239.

Fichard found the heat of the summer months trying, and was glad to avail himself of the open roofs of the houses where he could rest in the cool of the evening and look out over the city to the sea and the mountains.⁴¹ The existence of an open market for the sale of servants, mostly Moors, surprised him, but he has not much to say about the daily life of the people. What struck him most in their dress was the prevalence of ear-rings among all classes of women.

Fichard did the excursion to Pozzuoli and Baia very thoroughly. He visited the Stufe di San Germano where the viceroy came every year to sweat, and at the Grotta del Cane he experimented with frogs instead of with the dogs which were usually at the disposal of visitors. At Solfatara, within the enclosure here and there, were certain furnaces constructed of leafy branches where sulphur was boiled. He visited the various smoking pits or vents, and was told that if an animal was thrown into one of them in a very short space nothing was left but a heap of bones.

The place of the larger cavity, he continues, is filled all round with small crosses which those who seemed to themselves rather bold have placed on the extreme edge. Wheresoever you tread a little more firmly you perceive by your hearing a certain underground hollowness, and stones cast from above do not run otherwise (so to speak) or give forth any other sound than as if cast on ice. The surface is level and dry, nor is it permitted to walk anywhere upon it.

Returning to the road Fichard's love for beautiful views again finds expression. From the hill-side he looked down upon Baia with its harbour in the distance, and midway in the bay lay the ancient town of Pozzuoli, thrust out so prominently from the shore that it appeared to be standing in the sea. At Pozzuoli itself he met by chance an old German miller, but found little of interest in the town. The amphitheatre, which was much damaged a few years after Fichard saw it, was then seemingly fairly complete. The walls were intact, and the seats could be plainly seen although in many places overgrown with shrubs. The arena was in a state of cultivation, so that it resembled a beautiful garden enclosed by a magnificent building. Here, too, were traces of the recent wars. In the outer colonnade, on the opposite side to the one entered by Fichard, the French, during the Neapolitan war, had built stables for more than 100 horses and had kept their horses there.⁴² The amphitheatre

⁴¹ 'The houses of the City are foure roofes high, but the tops lie almost plaine, so as they walke upon them in the coole time of the night,' Moryson, i. 238.

⁴² 'Ad unum miliare est edificium quoddam vetustissimum rotundum, ad instar Colisei Romani, Trullio nuncupatum, sub cuius testudinibus subterraneis centum equos vel circa locari possunt; sunt enim testudines ipse ad id cum presepibus et rastellis parate,' Burchard, ii. 171.

pleased him so much that he numbered it among the most interesting Roman remains in existence. Pozzuoli was inhabited chiefly by fishermen, who made no small profit out of visitors, to whom they acted as guides, exhibiting the wonders of the neighbourhood.

Here Fichard embarked and made for Baia. It was the custom of the sailors to take their visitors to the farthest point of the gulf of Pozzuoli and disembark them somewhere in the neighbourhood of Misenum. Fichard first visited the Piscina Mirabile and then, headed by a sailor bearing a lamp, he proceeded to the Cento Camerelle where he found little but bats. Both places are carefully described in considerable detail, but Fichard tells us scarcely anything that is not noticed by later travellers. He then returned to the boat again and sailed for Baia, passing on the way the mighty promontory upon the very summit of which was perched the famous castle of Baia recently erected by Pietro di Toledo, 'built with the utmost skill on its own rock as it were, which is level with the mountain but separated from it'. From Lake Avernus the travellers passed to the Sybil's Grotto, which Fichard describes as square and bearing every indication of former magnificence, in size 'ad superioris hybernaculi mei Francofurti amplitudinem'. It was adorned everywhere with mosaics which had been sadly despoiled by visitors. Enough remained, however, to indicate its former beauty.⁴³

He then climbed the hill to Cuma 'de qua istud dicere potes, Cuma fuit', after which he returned to his boat; and sailed close in along the shore past the ruins of the magnificent buildings which once fringed the shore, from which it was easy to form an idea of its former splendour. The place had been overthrown by repeated earthquakes and was practically deserted by the inhabitants, but people were dwelling in some of the less ruined places, and in the harbour a number of ships were refitting, 'for there is here a certain moderately safe harbour. Among other ruins on the lowest part of the shore there remains in the middle, as it were, a certain tower, round and thick'.⁴⁴ Fichard next visited the baths, known as the Bagni di Tritoli or the Stufe di Nerone. He states that the sea approached so close that it was scarcely possible to visit the place except by boat. To right and left as one entered were ledges on the rock on which beds were placed where the sick and others could rest. Thence having cast off some of their clothing and lit a torch the visitors

⁴³ According to Gius. Mormile, *Descrizione del amenissimo distretto della città di Napoli e dell' antichità della città di Pozzuolo* (Naples, 1617), pp. 132 ff.), the room was richly ornamented, the ceiling with ultramarine and fine gold, and the walls with gems of various colours: the floor was decorated with small stones in the form of a mosaic.

⁴⁴ The harbour of Baia. The round tower must be the ruins of the Temple of Diana. The scene is well figured in Sandys, p. 290.

proceeded along a passage which took them into the very bowels of the mountain. In this passage the vapours were so hot that it was impossible to walk upright without sweating excessively, and as they had come there to see the place and not to sweat they were obliged to crawl along on hands and knees to take advantage of a current of air which clung to the floor of the passage.⁴⁵ At length they reached a parting of the ways. Two passages opened out here, one of them being so temperate that no heat reached them from it, the other so vaporous that they did not venture further but went back to the entrance, where they washed themselves. Here apparently Fichard regained his boat and returned direct to Pozzuoli. He later returned to Rome, travelling along the ordinary post route by way of Capua, Gaeta, and Fondi.

Lupold or Leopold von Wedel was born 25 January 1544 at Kremzow, and died there in June 1614. His father died in 1552, when he was eight years old, and his mother, to give him a good education, sent him to school at Stargard. He only remained there one year, however, his desire for travel making him restless. In 1565 he came of age, and was summoned home by his eldest brother to take part in the division of the family estate. Lupold received the Kremzow estate, where he lived from 1566 to 1573, when his mother died. For the following twenty years, with few intervals, he was abroad. He travelled extensively in Germany and Poland. In 1575 he was in France, and in 1578 he visited the Holy Land, sailing from Venice and returning to Naples. In 1580-1 he travelled in Spain and Portugal, and in 1584-5 he visited England and Scotland. His private life was not creditable. He was apparently an unfaithful husband and an unlovable kinsman; as a traveller he was interesting and indeed attractive. The knowledge and experience gained during his travels made him an acute and observant chronicler, and the careful, if brief, record which he kept of his journeys⁴⁶ well repays attention to-day.

Wedel reached Naples in April 1579, travelling from Rome by the first of the two routes we have mentioned, and lodged with a German host, one Meister Ditrich.⁴⁷ He had barely reached his lodgings when the viceroy rode past in state, returning from the

⁴⁵ The majority of travellers of this time mention the current of cold air near the floor. It was only by stooping or crawling that they could enter this passage at all.

⁴⁶ Lupold von Wedel's *Beschreibung seiner Reisen und Kriegserlebnisse*, ed. by Dr. Max Bär, *Baltische Studien* (1895), xlv. 51-216 (Naples, pp. 190-6).

⁴⁷ The host of the Inn 'Zum schwarzen Adler' where Kiechel also lodged; see below, p. 192. Kiechel gives his name as Düeterich Breitbach. Another contemporary German traveller gives his name as Dietrich aus Coblenz: Michael Herberer, *Aegyptiaca servitus, das ist wahrhafte Beschreibung einer dreyjährigen Dienstbarkeit* (1610), p. 475. Cf. Röhricht, *Deutsche Pilgerreisen*, under date 1582-9.

council, attended by 200 horsemen and others. The viceroy is described as an old and grey man.⁴⁸ Four sceptres were carried before him, and between two other sceptres rode the herald, clad in a red mantle richly embroidered throughout with gold, with the arms of the king of Spain emblazoned on his back and carrying a *Justicia* in his hand. Of the town itself Wedel has not much to say, except that it lies by the sea and has three well-fortified castles filled with Spaniards; but he records the existence of an interesting relic at the church of the Carmine which seems to have escaped the notice of many contemporary travellers. This was a large cannon ball which Charles V shot into the church when he was besieging the city. The ball flew straight for the head of a crucifix, which is said to have bowed its head to avoid the shot. The crucifix with bowed head was still shown and was held in great veneration, although Wedel is disposed to be sceptical.⁴⁹

Like Fichard he was much impressed by the Poggio Reale with its fruit trees and fountains. From there he visited the church of 'Sante Janare', from which a door led into a hollow mountain in which were buried the Swiss and other soldiers who fell in the wars between France and Spain.⁵⁰ On 28 April an excursion was made to Pozzuoli. On the road there, while passing through the Grotta di Posilipo, one of the attendants fell with his horse and lost his saddle cushion bearing his stirrup, which owing to the darkness it was impossible to recover and the party had to proceed without it. Wedel's account of Pozzuoli and the neighbourhood is much like that of other travellers. He describes the smoke-holes and boiling places in the Solfatara, and then passes on to Monte Barbaro which interested him on account of the legends associated with its name.⁵¹

⁴⁸ Marchese di Mondejar, viceroy, 1575-9.

⁴⁹ 'Die Leute halten es hir vor ein gross Wunderzeichen. Dass es also steet habe ich gesen, ob es aber van sich silber so geworden ist, weiss ich Nicht,' p. 191. The miracle is recorded by Brantôme, *Vie des Hommes Illustres* (1722), i. 169; but Wedel is wrong in his details. The shot was fired in 1439, and it was Alfonso of Aragon who was besieging the city, not Charles V. The story has several variants; see H. Megiser, *Deliciae Neapolitanae* (1605), p. 32; J. H. à Pflaurnern, *Mercurius Italicus* (1625), p. 343; J. G. Keysler, *Travels* (1758), iii. 296. Cf. Norway, p. 160.

⁵⁰ This early reference to the catacombs at Naples is interesting. They are situated on the flank of the hill of Capodimonte, the entrance being from the church of S. Gennaro de' Poveri. They have only been partly excavated, and are believed to be very intricate and extensive. The passage is as follows: 'Von da sein mir in eine Kirche, welche ausserhalbe der Statt ligt, gefaren, Sante Janare genant, aus dersultigen get eine Dure in einen rumen holen Berk, daselbest in dem holen Berge sullen alle Schwitzer, auch zum Theil ander Knechte begraben ligen, die in den Sturmen und Schlagen gebliben, wie Keiser Carolus Quintus das Kuninkrich van dem Kunink aus Frankrich erobert,' p. 191.

⁵¹ The legends chiefly connected with the hordes of gold hidden in the caverns of Monte Barbaro are as old as Conrad of Querfurt, who refers to the belief in a letter

Inside, he writes, are said to be seven kings seated upon thrones who in the old times ruled and possessed the land, but six years ago the entrance fell in, so that it is not possible to go in and see them. Formerly every one could enter. One of the kings is said to be sitting with a book under his arm.

Wedel and his companions breakfasted at Pozzuoli, having first given up their arms. They then visited Monte Nuovo, and Wedel gives a somewhat exaggerated account of the disturbance which produced it. He then visited the Sibyl's Grotto, the Piscina Mirabile, and the Cento Camerelle, and has something quite fresh to say concerning the Bagni di Tritoli.

From here (Cento Camerelle) we rode to a place hard by the sea where is a passage running into a mountain. If one proceeds along this passage for a distance there are other passages opening from it which with this passage are so hot that many people on account of the heat cannot enter. Far within the mountain is a horse of stone,⁵² but few people can reach it because of the great heat. Our company consisted of fifteen men, but only two of us approached the horse and one of these did not actually reach it. I reached it, however, and seized it with my hands and wanted to proceed further, but the peasant who let us in told me that I had better not go on, for once upon a time some one had gone on and had perished. As I returned I was informed that it was very healthy to sweat in the passages, and for this cause I returned and walked along the passage to the end again.

On 1 May Wedel was present at a betrothal, the ceremony taking place not in a church but in a private house. The bride was preceded through the streets by a number of men, two of whom conducted her to the house, but there was no other woman among the escort. The people on both sides of the streets showered roses from the windows, and as the bride approached the house of betrothal a white and gold veil was

written from Sicily in 1194 to an old friend of his, the prior of the monastery of Hildesheim (published by Leibnitz in the *Scriptores Rerum Brunsvicensium*, ii. 695-8). Petrarch heard of them when he visited the Phlegraean Fields, and was told that of the covetous men who had gone to seek them none had returned: Letter to Cardinal Colonna, quoted by Campbell, *Life of Petrarch*, in *Sonnets and Triumphs* (1859), p. liv. See also Parrino, *Nuova Guida di Pozzuoli* (1751), p. 32: 'In questo Monte vanno i forsennati Tesoristi, ricercando le ascose ricchezze stimando che vi siano Rè d'oro ornati di carbonchi e pietre preziose con gran ricchezze custodite da' Demonj.' Monte Barbaro and the cave of the Sibyl were also associated in popular legend with the Grail Quest and the Mountain of Venus. It was widely believed that here was that rock-bound earthly paradise visited by Tannhäuser where men and women were living amidst love and magic until the day of judgement. See P. S. Barto, *Tannhäuser and the Mountain of Venus* (New York, 1916), p. 16, n. 25, p. 33, n. 37, and p. 53.

⁵² Cf. Burchard, ii. 173: 'Est in eo quidam lapis positus, cavallo nuncupatus, quem transgredi non licet propter caloris periculum.' I can find no other mention of this horse of stone, but Moryson, i. 252, says 'there is a marke set which they say no man ever passed'. He did not reach it.

thrown over her. She was then welcomed by her lover and taken into the house.

From Naples Wedel sailed to Malta, returning to Naples in July on his way back to Rome.

Samuel Kiechel, who was born in 1563 and died about 1649, belonged to an old family of Ulm which is said to be still flourishing. He received a scanty education and was brought up to trade, but in his youth he travelled extensively in most of the European countries and in the East.⁵³ His *Tagebuch*, which records his journeys between the years 1584 and 1589, is an extremely interesting document and was printed in 1866.⁵⁴

The interest of his narrative as far as Naples is concerned commences almost as soon as he sets out from Rome in company with the *procaccio* and some sixty other horsemen, including a fellow traveller named Haas. On 17 January, after leaving Fondi, the travellers were overtaken by a terrific storm, the like of which Kiechel had never experienced before. Such was the fury of the wind and hail that the horses could not move a step forward and one of the party was blown from the saddle, while at 'Casscadt'^{54a} the water was so high that the boat could not carry the travellers across the ferry and they were obliged to ford the stream on horseback. That day they began to traverse a beautiful country, rich with corn and fruit, and the next evening at vespers they reached Naples. Kiechel and his companion repaired at once to the inn 'Zum schwarzen Adlerr' kept by a fellow countryman, Düeterich Breitbach. Here they found a German nobleman, Herr von Düetrichstein, whom they had previously met on the way to Venice. He had arranged to visit Pozzuoli the following day, and Kiechel and his companion sent their host to inquire whether he would allow them to join him, Kiechel being of the opinion that if they went in the company of a gentleman of his standing they would be better treated than if they went alone. Herr von Düetrichstein agreed, and preparations were made

⁵³ Hantzsch, *Deutsche Reisende des XVI^{ten} Jahrhunderts* (1895), p. 105; A. Weyermann, *Nachrichten von Gelchrten und Künstlern* (1829), p. 218. Kiechel and Wedel were among the host of German pilgrims to the Holy Land whose names have been preserved by Röhricht (*Deutsche Pilgerreisen*, 1900). Of those who visited Naples the earliest appears to have been Giso von Ziegenberg who reached Naples c. 1374 on his return journey, bringing with him 'das Blut Christi'. Others were Duke John of Cleve, 1451, Hans von Redwitz, 1467, Count Eberhard of Württemberg im Bart, 1468, Ulrich Leman, 1478, Landgrave William the Elder of Hesse, 1491, Elector Frederick the Wise of Saxony, 1493, Bernhard von Hirschfeld, 1517 (who met Torkington at Jaffa), Heinrich Wölffi (Lupulus), 1520, Philip Hagen of Strassburg, 1523, Jodocus Meggen, 1542, Andreas Strobeli, 1588? (Röhricht under date 1595). See Röhricht under the respective dates. Wedel and Kiechel with Khevenhüller, von Pappenheim, Herberer, and von Lauffen (see above, p. 180, note 22) complete the list to the end of the sixteenth century.

⁵⁴ Hassler, *Die Reisen des Samuel Kiechel*, in *Bibl. des Litt. Vercins in Stuttgart*, lxxxvi. 1866 (Naples, pp. 169-79. He was there in the early months of 1587).

^{54a} Sant Agata, about 32 miles from Naples as the crow flies.

accordingly. The next morning in two coaches the travellers set out. In the first coach was the nobleman with three Jesuits, and in the second rode Kiechel, Haas, the host, and another traveller. After celebrating mass at a convent hard by the sea the journey was continued to Pozzuoli, where the host obtained the necessary permits to enable the travellers to inspect the various places of interest.

Their experiences were not unlike those of other sixteenth-century travellers. From Pozzuoli they crossed by boat to Baia, and accompanied by a guide proceeded to visit the Cento Camerelle, where according to Kiechel the Tyrant Nero kept his Christian slaves, so that when he needed relaxation or 'Kurzweil' he fetched them out and had them torn in pieces by lions. Kiechel notes the danger of entering the place without guides and torches, and next describes the Piscina Mirabile, the so-called tomb of Agrippina, and other points of interest in the neighbourhood. The castle of Baia, he tells us, at this time was strongly garrisoned by the Spaniards as a defence against Turkish pirates. Kiechel appears to have penetrated less deeply than Wedel along the passages of the Bagni di Tritoli. On entering he was at first forced back by the heat, but accompanied by a native of the place he made a second attempt, and by bending down, so that the heat and vapour passed over his head, he managed to grope his way forward with the sweat pouring off him as though he had been drenched with water. At last he reached a spring which was boiling like a cauldron, where he burnt himself severely in attempting to test the heat of the water with his hand. He quickly retraced his steps to the mouth of the passage, where he waited to cool himself, and then visited the Sybil's Grotto. Returning to Pozzuoli the company refreshed and repaired to the Solfatara, which Kiechel describes as a 'dreadful fearsome' place, and tells the story of a German horseman of the viceroy's house who, a few days previously, had fallen into one of the pits or hollows in the earth, and had been killed by the heat, his horse only escaping. The usual visit was then made to the Grotta del Cane,⁵⁵ and as night was drawing on the party returned to Naples.

⁵⁵ His description of the experiment made there may serve for all travellers of his period. 'Von do hat es noch ein gueten theil wegs nach der vergiftn grotta, wölehe mann düe hundtsgrueben nennet: gleich doby ist ein clein haus, in wölehem ein armer mann wohnt, der einen hund dorin laufen lües an einem strickh angebunden. Als nun der hund so langn drinnen wahr, das einer hundert zöhlen möchte, füel er gleich umb, ward do für todt, zog ine am strickh heraus. Gleich neben der grotta hat es einen deich, wöliches wasser ein besondere natur oder eygenschaft haben mues, stöst also denn hundt 2 in 3mal dorein, legt in hirnach an gestad nider, ist er ein cleine zeüt do für todt, gibt am wehningsten kein lebendüg zeichen von ime, büs iber ein weyl kompt ime von erst der athem, nachmals thuet er düe augen auf, ströct

Kiechel seems to have been impressed by the size and strength of the three castles, but of Naples itself he writes that it is of no particular size and ill-defended, with a poorly built wall without ditches. He was much interested in the churches and philanthropic institutions, particularly the institutions known as L'Annunziata and 'La Curabile',⁵⁶ in which orphans and foundlings were received and educated and eventually put out to trade. In these two establishments, he tells us, there were upwards of one thousand children and elderly persons housed like great folk, all of whom were fed handsomely and had wine to drink. Like Wedel he saw the viceroy as he rode abroad with a guard of fifty German horsemen in long slashed breeches and attended by a vast train of noblemen and gentry. He describes the viceroy's stables, which were the wonder of most travellers of his time.

Item, he says, to see in the riding place at break of day the horse-masters teaching those who come to them for riding lessons, and breaking in the horses which is a delight to see if one cares to get up so early. For this place above all others carries off the prize for breaking in horses.

Kiechel was present at the carnival, which greatly pleased him. He appears to have joined wholeheartedly in the mummeries, the games, and the dancing. Everywhere was complete lack of restraint. Noblemen, knights, and fine gentlemen engaged in wrestling bouts and trials of skill with the common people. On the last feast-day the streets were almost impassable, the pleasure seekers cast off all semblance of order and pelted each other with fruit and egg-shells filled with scented waters. From Kiechel's inn alone more than one thousand oranges were thrown into the street. On the Wednesday, however, at the beginning of the fast, everything was changed. The people became suddenly pious and solemn, refraining not only from meat but from eggs, butter, milk, and cheese. Kiechel is not the only traveller to remark that Lent was no time to enjoy oneself in Italy.

Kiechel inspected a collection of coins and a closet of rarities, both preserved in the houses of certain Neapolitan gentlemen, and was present at the wedding festivities of a daughter of the late viceroy of Sicily, Marco Antonio Colonna. Through the good

düe glüder, wendet sich hün und wüder, büs er zulöst ufston wil, föllt er wol öttlichmal donider, dann nicht sovil craft noch störeckh in ime ist, büs er ein wehnig ruewet, dann höbt er wüder an zue göhn', pp. 173-4.

⁵⁶ There is a full account of the hospital called La Casa Santa (adjoining the church of S. Maria Annunziata) in Keysler's *Travels* (1757), ii. 402-4. The annual income was said to be about £250,000 sterling. In Keysler's time the number of children there averaged about 2,500, 'it being no uncommon thing in one night for 20 infants to be put into the wheel or machine which stands open both day and night for their reception.' Cf. Lassels's *Voyage of Italy* (1670), ii. 274-5. The Ospedale degl' Incurabili founded in 1521 must be the other institution referred to.

offices of his host he was admitted to the palace and gardens to watch the guests at dinner, while many notable Italians had to remain outside. It was a magnificent spectacle. The repast was arranged on a large table with a series of movable tops, one above the other, so that when the course of fish and game was finished the plates, dishes, and cloth were all removed at once, leaving the second course ready spread in front of the guests as it were on a fresh table, and the same procedure was adopted with the other courses and with dessert. No wine was placed on the table, but each guest called for what he required. The banquet lasted well into the evening, and was followed by a masque in the garden adjoining, at which Kiechel was also present. The festivities were continued until after midnight, when Kiechel returned to his inn to spend the remaining hours until morning in a riot of feasting with a number of compatriots and others. After a stay of twenty-four days he departed for Malta.

In the middle of May we find him at Naples again on his homeward journey. On this occasion he was present at the feast of Corpus Christi and attended a celebration in honour of the duke of Savoy. The palace and the three castles were all illuminated at night, and the firing of cannon caused such a disturbance in the town that the houses shook to their foundations.

Of these three German travellers Fichard, the first in point of time, is undoubtedly the most interesting. Our only regret is that he does not tell us a little more about things which he alone was able to see and a little less about the more ordinary 'sights' with which the narratives of other contemporary travellers are full. One would gladly have sacrificed his lengthy accounts of the Sibyl's Grotto, the Cento Camerelle, the Piscina Mirabile, and the sweating places of Pozzuoli for a glimpse of the coast-line before the eruption of 1538. In his time the canals and piers of the Portus Julius, that great harbour in which the whole Roman fleet was able to manœuvre, were more or less in perfect condition. He must have looked upon the Lucrine Lake connected with the sea by a deep channel forming, with Lake Avernus, a wide inlet fit for shipping. Two years later the whole aspect of the countryside was changed by the volcanic disturbance which produced Monte Nuovo and reduced the Lucrine Lake to what is little more than a narrow marsh filled with weeds. Unlike some of his contemporaries, of whom it is at times difficult to believe that they moved in a world peopled by living beings, he displays a certain amount of interest in the daily life around him, but what is perhaps most valuable is his genuine love of natural beauty, a quality which developed very late in the history of travel and which he possessed to a very modern degree. Again and again

he speaks with delight of the magnificent views, the rippling waters, and the charm of the gardens and landscape around Naples. Wedel and Kiechel belong to a different class of traveller altogether. Wedel was perhaps slightly more antiquarian in his taste than Kiechel, but both were unlearned travellers, concerned less with fine buildings and antiquities than with carousals and pageants, the pleasures of the table and whatever was exciting, curious, or out of the way. Virgil's tomb is barely mentioned by either, and there is no evidence that they troubled to inspect it. Wedel cannot even spell the name correctly. No attempt is made by any of these travellers to estimate the prevailing characteristics of the everyday Neapolitan of this period, although certain of their French and English contemporaries have some very searching and not always flattering remarks to make on this subject. Each, however, has something to tell us which the others failed to observe. The ideal sixteenth-century traveller would have been a mixture of all three. MALCOLM LETTS.

Pasquale Villari

3 October 1827—8 December 1917

THE first week of Italy's last December was dark indeed, and, as the second opened, darkness was deepened by the extinction of one of her brightest stars. Pasquale Villari's light had shone so long that it will be missed the more. Not only Italians but many English friends and countless English readers will mourn the loss of one of whom Mr. G. P. Gooch in his *History and Historians in the Nineteenth Century* has said that he alone of the Italian historians of recent times has gained not only a European reputation but a European public. Pasquale Villari, born on 3 October 1827, had fought in the streets of Naples for the futile revolution of 1848, had witnessed the disillusion of all the hopes of young Italy after the field of Novara, and yet, when still in his full powers, had lived to see Italy free and united. He would have been the last to be discouraged by a hard knock, and would have looked bravely forward to a new and glorious *risorgimento*, which should gather in her few outlying districts, and above all cleanse her from the coarse materialism, mainly of alien growth, which he had long denounced, and which has been the blot on her recent prosperity.

Villari's life history, though long, may be shortly summarized. His childhood was passed in a substantial house, no. 48 Via Sette Dolori, at Naples, and in a villa at Apagola. His father, Matteo Villari, a lawyer, died of cholera in 1837, but Pasquale, also a victim, fortunately recovered. The failure of the revolution of 1848 caused his withdrawal from Naples. He lived quietly in Florence from 1849 to 1859, giving private lessons to foreigners and working at a biography of Savonarola, to whose poems he had been attracted as a boy at Naples, reading them in his attic on the sly. His criticism of Perrens's work on Savonarola in the *Archivio Storico* of 1856 brought him into notice, and probably led to his appointment as professor of the philosophy of history at Pisa in 1859. The first volume of his own life of Savonarola appeared in 1860 and the second in 1861. In 1862 he was given the chair of history at the new Istituto di Studi Superiori, and he represented his government in the educational section

of the International Exhibition in London. A remarkable pamphlet on the failures of the Italian campaign of 1866, followed later by his *Lettere Meridionali*, gave him political reputation.

Elected to the Chamber of Deputies for Bozzolo in 1867 and for Guastalla in 1870, he was disqualified on technical grounds, and first sat for Guastalla in 1870, and then for Arezzo in 1873, 1874, and 1880. He was raised to the Senate in November 1884, and became vice-president in 1897 and 1904. His one ministerial office was that of minister of public instruction in the Rudini government from February 1891 to May 1892. In January 1910 he received the high distinction of the Collar of the Annunziata. Numerous admirers, Italian and foreign, had in 1899 contributed to a foundation bearing his name for prizes awarded for post-graduate research. The university of Oxford enrolled him as an honorary D.C.L. on the occasion of Lord Goschen's inauguration as chancellor in 1904. His wife, an English lady, Miss Linda White, predeceased him in 1915, leaving an only son, Luigi Villari, who already bears an honourable name as journalist, author, and soldier.

Villari's three chief works, and those best known in England by translations, are his *Savonarola*, his *Machiavelli*, and *The Two First Centuries of Florentine History*. Of these the *Savonarola* is the most popular, and, perhaps, the most characteristic. His earliest book, it took ten years of his life, and glows with the fire of a youthful martyrologist. His researches were wide, if, as is natural, not yet complete. He first gave their true value to the writings of Savonarola's contemporaries and worshippers, which must always form an important element in the preacher's biography. Villari, on this subject, was eminently a pioneer, and all subsequent works, whether of allies or opponents, have had to reckon with him.

The fourth centenary of Savonarola's death in 1498 raked up the embers of controversy which from the first his biography had lit. Perhaps no modern historical book has been so fiercely discussed, for it is not only a matter of individual taste but of party traditions and beliefs. Protestants strove to prove that Savonarola was a precursor of the Reformation, and, much to Villari's indignation, Savonarola in the great monument at Worms sits with Hus and Wyclif at Luther's feet. The Franciscans, who had largely contributed to Savonarola's death, were more or less quiescent, but the Jesuits made him the object of their denunciation for his disobedience to the Pope. Secularists, conservative or radical, indifferent to his doctrines or his practical piety, flung themselves into the fray over his character as the reformer of the Florentine constitution. Nationalists held him up to scorn as the opponent of a united Italy and as the ally of

the French invader. Men of letters and lovers of the arts abused him for the destruction of precious books and pictures on the pyre of the vanities. Dominicans stoutly defended one of the greatest figures of their order. Amid this turmoil Villari took a dignified and almost silent part, contenting himself with printing in collaboration with his pupil, E. Casanova, a selection from Savonarola's sermons and other works. For one moment only his indignation got the better of him, and he wrote in the *Archivio Storico Italiano* a courteous but severe rebuke to the editor for what he thought a one-sided approval of Dr. Pastor's somewhat intemperate attack upon his hero. It is by no means necessary to agree with Villari's estimate of Savonarola as a religious or as a political reformer, but it must be confessed that for originality and life his book still holds the field against all rivals.

Notwithstanding the great merits of his *Savonarola*, the *Life of Machiavelli* is, perhaps, Villari's best book. He now had the experience of his first great work behind him, his mind was riper, his method surer. Above all the subject kept a curb on his emotions. He set himself down resolutely to write with scrupulous impartiality, and Machiavelli's character, no *nidus* for any germ of hagiology, enabled him to keep his pledge. He must, of course, make the best of one who, with all his faults, was the now recognized prophet of Italian unity, who had not only formulated the theory, but had personally on a minute scale set up the machinery, the model national army, which nearly 400 years later converted the theory into a working scheme. Villari regarded the army even more from a political and social than from a military point of view. The army had not indeed won the nation's unity, for victory was largely due to French and then to Prussian aid; but it was the great public school of Italy, bringing together the youths of every province, giving them a common discipline and a national outlook. Thus then Machiavelli's cause and his character, his noble ends and his repulsive means balanced each other, and Villari's critical sense suffered from no disturbing emotions. His book, too, has this merit that, fond as he was of philosophizing and moralizing, he avoided the temptation of making his hero the peg for disquisitions on political science; he wrote a straightforward biography, from which the reader can draw for himself such lessons as he pleases. His own conclusions are well stated in a review¹ of Lord Morley's Romanes lecture of 2 June 1897, and Greenwood's article in *Cosmopolis*, August 1897. He here holds that the two moralities, public and private, are distinct, and that the latter logically followed in national affairs would lead to blind

¹ *Nuova Antologia*, 16 October 1897.

chance and peril to the state, but that the public conscience is gradually attracted by the private.

Villari's third great work, *The Two First Centuries of Florentine History*, had not quite so favourable a reception as the other two. There was a gap of many years between the lectures which form the basis of the earlier and later portions of the work, and from an artistic point of view the composition as a whole somewhat suffers. In a subject so obscure new documentary evidence frequently entailed reconsideration and readjustment. Villari was indeed always ready to allow for new developments in matters of detail, though he was reluctant to withdraw from positions which he regarded as essentials. On the whole, however, the author might justly claim that more often than not the fresh discoveries did but confirm his original ideas on the general character and progressive development of Florentine history.

The inevitable question arises : Will Villari live ? The answer depends less on his own merits than on accidents. Should a writer arise with the advantage of later and fuller knowledge, and with an equally arresting personality, Villari's work would doubtless be superseded in Italy. In England this would be more difficult, for the new author must find a translator with the intimate knowledge of the historian's mind, and with the literary gift which Signora Villari possessed. Working in the closest companionship with her husband, and having a more than mere verbal knowledge of his text, she could afford herself a freedom upon which the ordinary translator could scarcely venture. The question of living is, perhaps, not really important. To have lived is often more vital than to live. Every historian, as every saint, has had his iconoclasts, but he has not lived in vain, for he will have provided the materials out of which the iconoclasts will fashion their own idols. Villari himself, in his Inaugural Address to the Historical Congress at Rome in 1903, has said :

Historical studies are naturally connected with the existing political and social conditions. Society changes from age to age, and as fast as it turns to us another of its thousand facets we are obliged to re-make history under a new aspect. This is the reason why, even when it was written by men of the highest ability, we have to reconstruct it afresh.

In this same address Villari dwelt on the defects of Italian historical study in recent times. Whereas, he said, in the collection and editing of documents much admirable work had been done in the last half-century, these documents had not been sufficiently used for what he terms synthetic history, whether political or constitutional ; editors there were in plenty, but of writers very few. This is a criticism which must often have occurred to English readers who have given any close study to modern

Italian historical work. With ourselves synthetic history is apt to be too rapidly turned out; our ambition is usually not to collect material, but to write a book. The Italian from modesty or indolence prefers to hide his talents in a napkin marked 'Unpublished Documents'. The other defect to which Villari called attention was the prevailing ignorance of foreign history, often the necessary complement of the students' own work. This he thought was due to the exciting national events of their own age, which absorbed their attention in the past of their own country. On neither of these counts could Villari himself be impeached. His knowledge of foreign writers and of foreign history was very wide, as may be proved by reference to his essay on the subject, *La Storia è una Scienza?* Research was for him not an end in itself, though he never wearied in the delving required for the foundations of his superstructure. As befitted a professor of the Studi Superiori and a minister of public instruction his aims were to educate and edify. Hence arose his efforts to popularize history, to create a reading public, to fill the gap between school-books, which are read and thrown away, and those intended for professional historians. For this purpose he would have nothing to do with historical hacks; the volumes must be entrusted to the best men, to Orsi, Balzani, his own pupil Salvemini and himself; they must not be mere mechanical abstracts, but should be written with spirit and lucidity. This project took shape in the *Collezione Villari* and the *Biblioteca Villari*. He himself wrote *Le Invasioni barbariche* and *L'Italia da Carlo Magno alla Morte di Arrigo VII*, while excellent volumes were contributed by the authors mentioned above, by Errera and Buzzolaro. The series, however, has not been so extensive as Villari contemplated, and Italian historians could raise no better monument to their old leader than the fulfilment of his scheme.

Historical studies in Italy have long suffered from a surfeit of societies and academies. From 1864 onwards Villari took a leading part in the attempt to co-ordinate their work, to give it a common aim and provide for mutual aid. At the Congress held at Naples in 1879 he presented a scheme for a central committee which should serve as a clearing house for the collection and publication of the output of the various societies, and utilize the *Archivio Storico Italiano* as its organ. Provincial rivalries or indolence thwarted the realization of the project, but in 1883 the ministry of public instruction did actually found the Istituto Storico Italiano on the lines suggested by Villari, though the results were disappointing until at the fourth Historical Congress in 1889 he again urged the necessity of co-operation between the societies and the Istituto, and this time with more effect.

Villari's educational activity ranged far beyond the higher

historical studies. During his visit to England in 1862 he had visited English and Scottish schools, and his first pedagogic work was on public education in Great Britain. Thus it was natural that in the Menabrea government of 1869 he was made general secretary to Angelo Bargoni, minister of public instruction, who had no expert knowledge of education. Here he had a free hand, and during his seven months of office initiated numerous reforms. An upper normal school was established at Naples to train masters for the *ginnasio* and the *liceo*; the passage from the lower to the higher of these institutions was regularized; concessions were made to any commune which built elementary schools subject to strict hygienic and pedagogic rules. Owing to this experience Villari was no novice when he himself became minister of public instruction in February 1891. His appointment was hailed with enthusiasm, but the results were somewhat disappointing, a not unusual experience with ministers of education. There are crises in national history when economy is more essential than even education, and this was one. Italy was on the verge of bankruptcy, and Rudini was clutching at every expedient to avert it. Large schemes for both primary and secondary education were pressed upon Villari, but they entailed yet wider social reforms, and he had not the wherewithal to satisfy the idealists. After all the form of education must in some measure depend on the material which it is meant to mould. In a famous speech the minister drew a picture of the Neapolitan urchin who begs a *soldo* of the inspector of compulsory education, because he is starving: the inspector threatens the parents with a fine, but they too have nothing on which to live: with the alphabet the little starveling learns that the law is equal for all, that liberty produces all possible and imaginable blessings: he goes home to find that his mother has burnt her bed for firing and has not a crust to give him, and later on that the sanitary reformers have destroyed the family hovel and forgotten to provide a new one: might the lad not ask for less learning and more pity?

In university education there were difficulties of another kind. On presenting a bill for the reorganization of the Istituti d'Istruzione Superiore (28 May 1891) he said, "There is something rotten in the State of Denmark", and that is the lack of a spirit of discipline and insufficient moral education; with such deficiencies no system succeeds, and therefore a new system is not enough.' Many professors in fact were neglecting their duties, and had almost ceased to lecture; an epidemic of rioting was spreading from university to university. Villari did not believe in the herding of all classes and all intellects under the so-called classical education prevalent in Italy. He wished to

make the classical education more severe, so as to divert the majority towards agriculture, commerce, and industry. 'In modern society', he said, 'the workman has become almost the principal personage, and the richest, the strongest nation is that which succeeds in making the best workman.' He had, perhaps, witnessed in a neighbouring country the results of gratuitous literary education, which emptied the fields and workshops to fill the cafés. A literary education was in his belief the highest, but it must be of the best and for the best; above all it must be alive. Educationalists are apt to lapse into pedantry, but for Villari this was impossible; his aim was always to bring the life that was in the subject or the author into contact with the life that might lie dormant in the learner. As he despised sham research, so he deprecated useless research. In his article *La Storia è una Scienza?* he gives as an example of the latter a youth who spent two years in the study of a wretched dialect poem of the seventeenth century, and ended by discovering its sources in two miserable French poems. Life was the secret of Villari's success as a teacher; a pupil has written of him that as he spoke he opened a window and let air and light into the mind.

Villari met with no striking success in his parliamentary career, nor even in his short ministry, in spite of his sound common sense and expert knowledge. He confesses that he was often called an Anglophil, and indeed his references to our system of insurance of labour, the success of our Land Acts in checking Irish emigration, the generous versatility of our colonial policy, give some colour to the impeachment. He believed, however, that our parliamentary system was ill-suited to the Latin nations, steeped as they were in the principles of the French Revolution, and realized that even in Great Britain modern developments were outgrowing it. The Italian party system in its burlesque exaggeration, its greed for patronage, its indifference to social reform, ran counter to his sense of proportion, his honesty, his philanthropy. Even in England he would never have been a successful party man. For all that he was a real power in the nation, and his cry for social betterment met at times with a practical response, though governmental ears might be hard of hearing. He has been well called the conscience of Italy, a conscience which had no self-deceit and no flattery, a conscience which raised no objections to disagreeable duties. To the nation's credit it sometimes obeyed its conscience, and rarely resented its denunciations. This conscience worked through the agency of pamphlets, which took indeed the form of journalistic articles in the *Perseveranza*, the *Giornale d'Italia*, the *Politecnico*, the *Corriere*, and very frequently the *Nuova Antologia*. Villari had all the qualifications of the perfect pamphleteer. Everything

that he wrote he really felt, while on the other hand he had from early youth, as he tells us in his article on his brother-in-law, Domenico Morelli, the critical, analytical, investigating spirit. His style was vivid, trenchant, simple, free from superfluous ornament, possessing the real quality of rhetoric, that is, the art of persuasion. In some of his pamphlets, notably in that on the sulphur workers of Girgenti, his literary gift is seen to even greater advantage than in his greater works. His first important pamphlet, *Di chi è la colpa?* created an immediate sensation throughout Italy, so much so that one Erba, vendor of a popular beverage, had it reprinted as a wrapper to his bottles. The defeats of Custoza and Lissa in 1866 had, in spite of the territorial gains of the war, caused deep depression and acute resentment. There was a fierce cry, as is usual in Latin countries, and indeed elsewhere, for a victim, whether traitor or scapegoat. Villari proved that the fault was not in the individual, but in the national system; Italy was not yet educated up to her task. To this theme he returned again and again in later articles. In 1872 he wrote that, whereas in Germany social and economic progress had preceded national union, in Italy political revolution had come before social and industrial; owing to diplomatic and military aid from outside liberty had been won too rapidly and easily, and therefore social reform had to be introduced too quickly and experimentally; education lagged behind political advance, and hygiene behind education. In an article written in 1898 on Savonarola and the present day he compares the heroism and self-sacrifice of the *Risorgimento* with the low standard of more modern times, and quotes Sir James Hudson as saying that in Italy men fall to pieces. Hidden idealism, thought Villari, was the reason why through all ages Italy had endured such vicissitudes, why sometimes she rose to unexampled superiority, only to lapse with equal suddenness into unworthy degradation. Much later in *La Nostra Politica*² he gives more definite reasons for the contrast, holding that the promoters of the wars of liberation were really a minority confined to the bourgeoisie and a few of the aristocracy, that after the too rapid success the real heroes remained heroes, but those whom they had inspired fell back to the personal interests of yore, but should a crisis ever come they would be once more heroes. Italy, he believed, unlike northern nations, depended on sentiment and imagination to rescue her: out of from 33,000,000 to 34,000,000 inhabitants only 8,000,000 to 10,000,000 really formed the new Italy, and counted in the balance of nations: the masses should have been assimilated by higher education and social reforms, which were always postponed and only conceded in scraps: hence arose con-

² *Giornale d'Italia*, 4 October 1910.

tinuous tumults, obstacles to all progress industrial, commercial, agricultural: hence all discipline had gone, the government was always weak and a prey to parties, while not the least consequence of the failure was the colossal emigration. This article was perhaps the last of the formal Jeremiads, for in that on the Tripoli campaign³ Villari contrasted the extraordinary enthusiasm uniting all classes and north and south with the general indifference shown in the Wars of Liberation. Will Italy, he concludes, do her duty by her victory? will she try to reconcile the differences of race and religion?

Tuscany had been Villari's home since he was twenty-two, but his heart was still in the south. In 1859 he disseminated clandestine literature in Naples, and he witnessed Garibaldi's entrance on 7 September 1860. His *Lettere Meridionali* on the grievances of the south were collectively printed in 1875, and he constantly returned to this subject, to boy slavery in the sulphur mines, to the latifundia of Sicily and southern Italy, to brigandage, the Mafia and the Camorra, to the barbarous treatment of convicts in the Lipari Islands, to the poisonous water-supply and the horrible housing conditions of the poor in Naples. Painfully real to those who have witnessed on a smaller scale the destruction of slum districts in certain English towns is his description in *Nuovi tormenti e nuovi tormentati* (1890), of the replacement of the old hovels either by cafés, restaurants, theatres, palatial shops and houses, or else by huge blocks of model lodging-houses with no space, no air, no sun, but elaborate cooking arrangements for occupants who had nothing to cook, and a hygienic system which required the temperament of a Job and the technique of a sanitary plumber. As with us, of course, clerks walked in where paupers feared to tread.

In his article, *La Nostra Politica*, of 1910, already quoted, he repeats his indictment of the treatment of the south from the day of its liberation. The north had sent its refuse to administer the old Bourbon kingdom, it had combated the Camorra and the Mafia by Camorra and Mafia: firm justice was the one thing needed, and which the south never got. Northerners were too busy and prosperous to enter the administration, the army or the navy, thus they were flooded by southerners who were only elected to win favours; every measure was spoilt by party, local, or personal interests, and yet the improvement of the south, moral, hygienic, and economic, was the life and death question for all Italy.

The oppressed, wherever they were to be found, could claim Villari as their champion, the casual labourers of Romagna, the straw-working women of Tuscany, the quarrymen of Carrara,

³ *Dopo la Guerra, Corriere*, 24 October 1912.

wood-cutters in the Casentino, harvesters stricken by fever in the Maremma, and peasants by *pellagra* in the Mantovano. This was no mere philanthropy ; it was forced on Villari by the two grave modern dangers of Italy, emigration and socialism. It was argued, indeed, that emigration was a boon, that much money was sent back to fructify in Italy, that emigrants returned with hoarded wealth and settled down again in their own districts. Villari replied that they left the districts where labour was most needed, and returned to urban centres already overcrowded, or that, if they resettled in their country houses, they became petty tyrants or drifted away from the *malaise* of a life to which they had become unaccustomed. Again and again he expresses his fear of the consequences of the rapid spread of socialism in Italy. He saw that as it grew in volume in England, in Switzerland, or Germany it lessened in violence, that the more moderate elements gained the lead, while the more fantastic disappeared ; this he ascribed in England to the readiness of both parties to meet genuine grievances half-way. In Italy, on the contrary, socialism, from being badly handled by the governing classes, was in danger of degenerating into anarchy. He used the example of the riots at Milan and the revolt in Sicily to illustrate its progress. At first its existence was disbelieved and derided, then was regarded as a mysterious horror, the very thought of which must be put away ; when disturbances broke out no precautions had been taken to check them, they were hurriedly suppressed with unnecessary violence, and then, worst of all, an amnesty was granted to the guiltiest propagandists. Nursed in the teeming industrial population of the rich north Italian towns, socialism was spreading to the poor countryside of Naples and Sicily, where theoretical Marxian collectivism found material in the land hunger of the peasantry. The young hot-heads from the universities, who posed as the intellectual leaders of the new doctrines, were pure idealists, who had never mingled, as their English contemporaries had done, with the lower classes, who knew nothing of their real grievances or needs, or of their uncontrolled passions, who preached that any means, even the artificially produced ruin of their converts, were justified to stimulate revolt, and who, if they did come into authority in this commune or in that, exaggerated all the faults of the bourgeoisie which they had supplanted. The Bolshevism of Russia of to-day is the precise fulfilment of the fate which Villari used to fear for Italy.

Chief among the causes of Italian unrest was, in Villari's opinion, the decay of religion. He was no papalist, and he detested the ultra-catholic press, but he had deep religious feeling, and he held that the exclusion of religion from secular

education was a fundamental fault. In the cities there was an entire lack of religion of any sort, while the country districts, dominated by reactionary priests, remained under a cloud of barbaric superstition. Even the upper middle classes, who were professedly catholic, made religion no part of their everyday life; they treated it as the baggage which travellers on a walking tour send on by parcel post to their destination, only too glad to be relieved of its weight. Villari was no violent reformer, he did not wish for the overthrow of the papacy, believing that reconciliation was not impossible, and arguing in 1910 against the pinpricks which he attributed to Sonnino. His ideal would have been reform in a modernized Savonarolist sense, alike ethical and spiritual, such as might have been secured at the close of the fifteenth century, if only Savonarola could have converted the papacy to his own catholic principles.

It would be difficult to class Villari as a politician. He was not afraid of the people, indeed he attributed the troubles of Italy to the chronic exclusion of the lower classes from Roman times to the present. Yet he feared a wave of democracy which would break all barriers. In a review of Lord Bryce's book on *The American Commonwealth*,⁴ he wrote that America offered the sole material for a judgement on the new democracy, but that the author was too optimistic, and that its full dangers would appear when population had increased and all ground was occupied, that at present they were veiled by unexampled prosperity. It is characteristic of Villari that he was never content with lifeless facts or abstract theories; he always draws educational lessons from them. Thus in a recent short study on Marsilius of Padua (1913) he marks the contrast between the centralized, all-including, all-compelling state and the loose federation of feudal and communal units, which Marsilius would replace by it. He concludes by applying his contrast to the modern transition from the constitutionalism of England with its barriers of groups and classes, all representing valuable interests, and the level flood of democracy flowing from the French Revolution, based upon equality, and making the most vital problems of state depend upon an accidental numerical majority. To check this flood from spreading disaster he imagines a league of European nations founded on resistance either to the reaction of the east or the domination of the United States; meanwhile all that could be done was to study the problem how democracy can be saved from its own excess, how equality is to be reconciled with liberty and justice.

In the last public utterance by Villari which I have read he seems a truer prophet. On 18 January 1914 he inaugurated

⁴ *Nuova Antologia*, 16 November 1911.

a new series of lectures upon Dante in the Casa di Dante at Florence. Here he discussed the possibility of reconciling Dante's imperialism with his nationalism, showing that Dante firmly believed in Italy as a nation, but that in his day Italy as a state was beyond all practical politics. Thus between 1848 and 1861 Dante was not popular, because the immediate aim was to build up the lesser unity of the state, but, that once laid on sure foundations, Dante again found favour, because Italy could then take her share in the brotherhood of nations for the common liberty. Thus Dante was an internationalist rather than an imperialist in the modern sense, rising, as Villari writes in an article on Dante's *De Monarchia* in 1911, together with his fervid worshipper Mazzini, above the more practical national heroes, Bismarck and Cavour, as being international patriots, champions of the freedom of all mankind.

Of very present interest are Villari's annual addresses to the meetings of the society 'Dante Alighieri', held each year at a different Italian or Sicilian town. The object of this society was to maintain or to expand, by means of schools and charitable institutions, Italian culture in Italian populations outside Italy, whether in the Trentino or Istria and Dalmatia, in Brazil or Argentina, in Malta or among labourers employed on the Simplon tunnel or other such enterprises. Each year from 1897 to 1903 Villari, who succeeded Bonghi as president, gave a detailed account of the successes and needs of the society. The travels which he made beyond the Italian frontiers gave him a store of information of the highest value, showing the ebb or flow of Italian population and culture, the hostility of Austrian or Slav, the comparative favour of Hungary at the one port of Fiume, the contempt of the prosperous, well-fed Swiss, the renegade action of the clergy in *Italia irredenta*, and the passionate devotion of the unredeemed population to the motherland. The society was professedly non-political, but it must be confessed that such a frontier-line is perilously indistinct.

Enough has been said to show that Villari was no mere historian of the far-off past; the next generation may regard him as the surest authority on his own time. His articles form a precious commentary upon the troubled years that elapsed from the unity of Italy almost to the outbreak of the present war. Everything which he wrote for the last half-century of his life, even if it might be on Dante, on Marsilius, or on the vexed question as to whether history is a science, contained a contribution, greater or less, to this commentary. He had no personal, local, or political interest to make him swerve. Straightforwardly, in language at once reproachful and persuasive, he told Italy and her government of her faults and failings. Italy in return has done him justice;

she did not resent his reproaches, and in the latest years of his life was yielding to his persuasion.

It is to be hoped that Villari has left materials which may serve as an autobiography. Of his early life and education he has given a fairly full account in his articles on his brilliant young comrade, Luigi Vista, slain in the streets in 1848, on his inspiring teacher, Francesco De Sanctis, the close friend of after years, and of his sister's husband, the artist, Domenico Morelli. Like other young Neapolitans he was trained in the decadent ultra-purist school of the Marchese Puoti, in which imitative phrase, drawn from the Italian classics from the fourteenth to the sixteenth century, was the end and aim of literary education. Its one merit was its horror of Gallicism, which had threatened, and, indeed, still threatens the purity of Italian prose. It is possible that Villari owed to this training more than he would admit, even as many of us would have missed that of the Latin and Greek verse, which we are apt to write off as a valueless asset. From this somewhat deadening education he was drawn by Luigi Vista to the little class which gathered round De Sanctis, of whose life-giving power as a teacher none can doubt, whatever view may be held of his merit as a literary critic or a Dantist. It is impossible to read Villari's books or pamphlets without being reminded of the three great literary commandments of his master — 'The style must be natural, the author must be sincere, even as the man must be honest.' Of Villari's life after those early years next to nothing is to be found in his own writings. The present article owes much to a biography and bibliography written by Francesco Baldasseroni in 1907, and to an account of his secretaryship and ministry of public instruction, published by Carlo Fiorilli in the *Nuova Antologia*, 16 October 1907.

Others will speak of Villari's personality with more intimate knowledge than the writer of this notice. This much may be said, that he could combine the dignity and reserve of the Tuscan of olden days with the vivacity, wit, and humour of the southerner. He was peculiarly modest and a most courteous opponent, in spite of his outspoken denunciations of wrongdoing or neglect. His life was of the simplest, whether in his home at Florence or in a quiet hotel in the Italian or Tyrolese mountains. Italy, or any other nation, might well be proud of such a union of historical and literary gifts, of political wisdom and foresight, and of deep religious feeling for suffering humanity. F. Maggini, in a notice of his article on the *De Monarchia*, has truly said: 'Every time that a word of Pasquale Villari's is to be heard, we may be sure that it is a word with life therein.'

E. ARMSTRONG.

Notes and Documents

The Earliest Use of the Easter Cycle of Dionysius

II

IN the last number of this Review I endeavoured to ascertain the time at which the cycle of Dionysius first became current in the west. I mentioned that it was recommended by Cassiodorus, but found no further evidence of its knowledge until the synod of Whitby in 664. The words of Cassiodorus occur in his *Institutio divinarum Litterarum*, a book which is commonly assigned to 543-4, but which the Rev. John Chapman, O.S.B., gives strong reasons for believing to have been composed later than 558.¹ I did not refer to the little tract entitled *Computus Paschalis* which is printed among the works of Cassiodorus, because its authorship has been commonly denied. Mommsen pointed out that there was no good evidence for attributing it to him. Moreover, as the tract was written in 562, he thought it unlikely that Cassiodorus could have been still working at so late a date.² Krusch knew of no earlier authority for attributing it to Cassiodorus than a modern note in the Cottonian MS. Caligula A. xv, fo. 71.³ The source from which the annotator derived his information appears to be unknown. But Mommsen's argument from the date can hardly be maintained; for Cassiodorus tells us that he was still writing in his ninety-third year, and even if he was born as early as 480⁴ there need be no difficulty in ascribing to him a tract composed in 562. The tract, it may be added, is simply a new edition of a work by Dionysius, adapted to the later date. The most recent writer on technical chronology, Dr. Ginzel, accepts it as the work of Cassiodorus and infers from it that he was the first person who applied the computus of Dionysius to the purpose of establishing the date from the

¹ *Notes on the Early History of the Vulgate Gospels*, pp. 31-9, 1908.

² *Abhandlungen der Kön. Sächsischen Gesellschaft*, philol.-hist. Classe, iii. 572, 1861. Mommsen then assigned the *Computus* to the compiler who continued the *Chronica* to 559, but afterwards he regarded this continuation as attached to the *Cursus Paschalis* of Victorius: *Chronica minora*, i. (1892) 675.

³ *Neues Archiv der Gesellschaft für ältere Deutsche Geschichtskunde*, ix. (1884) 113 f.
⁴ Cf. Chapman, p. 36 and n. 3.

Incarnation as an Era.⁵ If the attribution be accepted it furnishes additional evidence for the knowledge of the cycle of Dionysius at Squillace,⁶ and corrects my statement that Cassiodorus did not make use of it.

Mommsen⁷ was of opinion that a chronological note at the end of the Chronicle of Victor Tunnunensis,⁸ which was written in the latter part of the sixth century, was based on the table of Dionysius. This note states that the years from Adam to the Nativity are 5199 and the years from the Nativity to the first year of Justin II are 567. Had it been derived from Dionysius we should have expected the writer to speak not of the Nativity but of the Incarnation, for the terms are not synonymous. But in fact the calculation is evidently taken from St. Jerome's translation of the Chronicle of Eusebius, according to which the creation was placed 5201 B. C. and the Nativity 2 B. C.; so that 567 years from this date bring us to A. D. 565, the year of the accession of Justin. Moreover, it cannot be said that Victor made use of an era.⁹ In his Chronicle he reckons by consular, and at the end by imperial, years. In the last few years the chronology becomes confused:¹⁰ he makes Justinian reign on into an imaginary fortieth year; and he places the first year of Justin in the fifteenth indiction, i. e. in A. D. 567, an error which was repeated by John of Biclar. The note and the chronological scheme of the Chronicle thus appear to be drawn from independent sources, and the note is merely a chronological statement of a type of which there are numerous examples.

It has lately been suggested that there is evidence of the use of the era in Spain nearly thirty years before the synod of Whitby. In 1811 Jaime Villanueva described a Visigothic manuscript of the eighth century (not earlier than 773) in the monastery of Ripoll in Catalonia (cod. 62), which gave a table of ancient eras, and included the following notice:

Ab incarnatione autem Domini Iesu Christi usque in presentem primum Quintiliani principis annum, qui est Era lxx quarta sunt anni MDCCXXXVI.

Villanueva thought that MDCC was omitted in the Spanish Era, and interpreted the date as referring to A. D. 736 and to a Chintila otherwise unknown.¹¹ The manuscript has disappeared and we can only take the text as it is printed. But it is evident that a writer

⁵ *Handbuch der mathem. und techn. Chronol.* iii. (1914) 180.

⁶ There is nothing to indicate any connexion with Rome, as Ideler supposed: see *Handbuch der mathem. und techn. Chronol.* ii. (1826) 375.

⁷ *Chron. min.* ii. (1894) 181.

⁸ *Vict. Tonnennensis* [so Mommsen spells the word], *Chron.*, *ibid.*, p. 206.

⁹ Cf. J. G. Janus, *Hist. Aerae Christ.*, p. 25 (Wittenberg, 1714); and W. H. Stevenson, in *Notes and Queries*, 9th ser., i. (1898) 232.

¹⁰ Cf. Mommsen, *Chron. min.* ii. 180.

¹¹ *Viaje literario a las Iglesias de España*, viii. (Valencia, 1811) 45-50.

who was capable of omitting the hundreds in the Era might also insert a hundred too many in the years of the Incarnation, especially since by so doing he gave the century in which he lived. Rudolf Beer therefore proposed to read the Era as 674 and the year of Grace as 636, which was in fact the first year of the Visigothic King Chintila.¹² The emendation seems convincing, but it does not follow that the original from which the manuscript is taken actually contained a mention of the year of the Incarnation. There are other instances in which writers of the eighth century inserted that year with an equation with the Spanish Era.¹³

When I discussed the place with which *Felix abbas Cyrillitanus*, *Chyllitanus*, or *Ghyllitanus*, the continuator of the cycle of Dionysius, was connected, I ought to have mentioned that he had a namesake sixty years earlier who bore a similar appellation. Pope Vigilius speaks of him as *monachum Afrum qui Gillitano monasterio dicitur praefuisse*.¹⁴ He is twice mentioned by Victor Tunnunensis: once under the year 553 as *Felix Gillensis monasterii provinciae Africanae hegumenus*, with a variant *Guillensis*; the other time under 557 as *Felix hegumenus monasterii Gillitani* or *Gallitani*.¹⁵ In the former passage Mommsen suggested that *Gillensis* was meant, a name which might indicate several places in Africa. I was not aware that in 1899 Father Delattre published some inscriptions which had then been recently found at Henchir el Fras, near Thibar, some seventy miles west of Tunis, and which contain dedications by the *decuriones Gillitani*; one of them bears a date corresponding to A. D. 229.¹⁶ These, he believes, establish the fact that the Felix of the sixth century belonged to a monastery at this place, Gillium. He adds that he was informed by Monsignor Toulotte that the monastery was founded by monks who came from Saint Sabas in the Holy Land after the Byzantine conquest: these Greek monks quitted Africa on the Arab invasion and went to Rome, where they settled themselves on the Palatine, and there their name of Saint Sabas remains to this day. I have not examined this statement, and will only note that the accuracy of a writer who places the monastery of St. Saba on the Palatine, whereas it lies to the south-east of the Aventine, is not above suspicion.

While, however, I do not dispute the identification of the monastery over which this Felix presided, I hesitate to accept

¹² *Die Handschriften des Klosters Santa Maria de Ripoll*, in *Sitzungsberichte der kais. Akad. der Wiss. in Wien*, philos.-hist. Klasse, clv. iii. (1907) 25-8.

¹³ Cf. *ante*, p. 62, n. 23.

¹⁴ See his letter in the 7th collation of the Fifth General Council: Labbe and Cossart, *Concilia*, v. (1671) 556 D; Mansi, *Concil. Collect. ampliss.* ix. 359 A.

¹⁵ *Chron. min.* ii. 203, 204.

¹⁶ *Comptes rendus de l'Académie des Inscriptions et Belles-Lettres*, 4th ser., xxvii. 16-19.

it for that of his later namesake, whose denomination appears in various forms and in only one manuscript is given as Gillitanus.¹⁷ If he came from Gillium, he wrote at a date earlier than the Arab invasion, and it would not be easy to show how his cycle travelled into western Europe. If on the other hand, as I have suggested, he belonged to Squillace, the transmission of his manuscript would be readily intelligible.

REGINALD L. POOLE.

*Cardinal Ottoboni and the Monastery of Stratford
Langthorne*

WHEN Ottoboni, cardinal deacon of St. Adrian, was in England as legate from 1265 to 1268, he exercised his power of visiting exempt monasteries and Orders.¹ But he met with resistance from the Abbot and Convent of Stratford Langthorne, an important Cistercian monastery in Essex, a few miles from London. They refused to admit two Franciscans who were sent by Ottoboni to visit them,² and appealed to Clement IV, in virtue of papal privileges which had been granted to the Cistercian Order. I have been unable to find any other reference to this dispute, so that it is impossible to discover if the abbot and convent finally submitted to the legate's visitation. The series of documents concludes with a humble letter from the abbot to the cardinal on behalf of two monks who had evidently been punished by him, and forbidden to exercise their functions as priests. When Ottoboni was besieged in the Tower of London by the earl of Gloucester in 1267 he was released by Henry III, who brought him to the monastery of Stratford. Peace was made there with the barons on 6 June 1267.³

The proceedings printed below are found in MS. 499, ff. 257v-261, in the Lambeth Palace library; it is a quarto of 345 folios, written in a minute and much contracted hand, probably in the early years of the fourteenth century. The contents are miscellaneous, and include several works of St. Augustine.⁴ From f. 252 onwards there are records and proceedings relating to Cistercian monasteries, forms, letters, and charters, e.g. letters from Robert Grossetete, bishop of Lincoln, to the papal curia,

¹⁷ MS. 298 of St. Remi at Rheims, according to Janus, *Hist. Cycli Dionysiani* (Wittenberg, 1718), p. 51.

¹ e.g. Westminster (Cotton MS., Faustina A. iii, f. 210), and the Order of Sempringham (Douce MS. 136, f. 88, Bodleian Library).

² Clement IV gave Ottoboni the power of compelling any of the friars to undertake any commission for him: *Bullarium Franciscanum*, ed. J. H. Sbaralea, iii. 9, no. 12.

³ *Annales Monastici*, ed. Luard, ii. 105; iv. 201, 202, 205.

⁴ See Todd, *Catalogue of MSS. in the Library of Lambeth Palace*, p. 64.

the reissue of Magna Carta in 1217, and the Charter of the Forest. No dated document appears to be later than 1274.

Some charters concern the Cistercian monastery of L. in the diocese of Coventry and Lichfield, which I have identified with Stanlaw in Cheshire, often described in charters as *Locus benedictus de Stanlawe*.⁵ The monks of Stanlaw were transferred to Whalley in 1296, and as the word Whalley is written inside the cover of MS. 499, there can be little doubt that it was formerly in the library of that monastery. Stanlaw was probably founded by monks from Combermere,⁶ which, like Stratford Langthorne, was among the English houses of the Order of Savigny;⁷ they were united to Cîteaux in 1147, but were reckoned as daughter houses of Savigny. This connexion explains how a record of proceedings concerning Stratford Langthorne comes to be found in a manuscript at Whalley. ROSE GRAHAM.

Lambeth
MS. 499,
fo. 252.
f. 257^r.

DE ADVENTU O. LEGATI IN ANGLIAM ET DE QUIBUSDAM CASIBUS, PROCESSIBUS, ET LITTERIS IPSUM ET ALIOS TANGENTIBUS.

De adventu O. legati in Angliam anno M^oCC^oLXV.⁸

Memorandum quod anno domini M^oCC^oLXV⁹ venit Othobonus apostolice sedis legatus in Angliam deferens secum litteras Clementis pape qui sedit ante Gregorium decimum¹⁰ in hec uerba:—Clemens episcopus seruus seruorum dei dilecto filio Othobono sancti Adriani diacono cardinali apostolice sedis legato salutem et apostolicam benedictionem. Cum te ad partes Anglie et commisso inibi ac in regno Scocie Wallie et Hybernie plene legacionis officio pro urgente et arduo negotio destinemus, quia in desideriis nostris grauiter ut commissum tibi negotium amotis impedimentis quibuslibet felicem consequatur effectum, priuandique quoslibet religiosos cuiuscumque ordinis, qui super hiis que spectant ad tue legacionis officium et aliis tibi commissis a te moniti plenarie tibi parere contempserint, omnibus indulgenciis et priuilegiis eis ab apostolica sede concessis, discrecioni tue plenam concedimus auctoritate presencium facultatem. Datum Perusii iij nonis Maii pontificatus nostri anno primo.

f. 258.

Clemens episcopus *et cetera*, sicut audiimus, nonnullis religiosis tue legacionis scilicet Cluniacensium et aliorum ordinum a sede apostolica sit indultum quod legati eiusdem sedis eos absque speciali mandato sedis eiusdem faciente plenam et expressam de indulto huiusmodi mencionem

⁵ The charters on ff. 262, 263 are printed in the *Coucher Book of Whalley*, ed. Hultham (Chetham Society), ii. 425, 426.

⁶ *Ibid.* i. iv.

⁷ *Ibid.*, viii. 669, 675.

⁸ MS. M^oCC^oLXX. Cardinal Ottoboni arrived in England on 29 October 1265, and left this country on 28 July 1268: *Annales Monastici*, iv. 219.

⁹ *Ibid.*

¹⁰ The scribe almost invariably indicates numerals by puzzling signs, which I have deciphered through his use of them in numbering the titles of the chapters of the Books of the Decretals on ff. 252^v, 253. I have since found them reproduced with their Roman equivalents in Matthew Paris's *Chronica maiora*, v. 285, where it is said that they were brought to England by John of Basingstoke, who had studied at Athens.

nequeant visitare, nos volentes quod aliqui a tua visitacione pretextu indulti huiusmodi se tueri non valeant, discrecioni tue vt tales quouis indulto huiusmodi sedis apostolice non obstante uisitare ualeas tibi auctoritate presencium concedimus facultatem. Datum Perusii *vt supra*.

Aliud procuratorium.

Clemens episcopus *et cetera*.¹¹ Cum prosperum regni Anglie statum plenis desiderijs affectantes te de cuius industria et circumspeccione confidimus ad idem regnum commisso tibi tam inibi quam in quibusdam aliis partibus plene legacionis officio de fratrum nostrorum consilio pro reformatione status eiusdem regni duximus destinandum. Vt autem in commisso tibi huiusmodi officio deo propicio uel propiciante ualeas prosperari, exercendi libere per te uel per alium uel alios censuram ecclesiasticam in venerabiles patres archiepiscopos nostros et episcopos; ac in cathedralium et aliarum ecclesiarum domorum et monasteriorum tam exemptorum quam non exemptorum prelatos et clericos conuentus et capitula, necnon comites barones et nobiles potestates rectores balliuos consilia communia vniversitates et populos locorum cuiuslibet legacionis tue, et quascumque personas ecclesiasticas et seculares publicas et priuatas cuiuscumque ordinis condicionis seu dignitatis existant et terras eorum eiusdem legacionis tue cum uideris expedire, non obstantibus aliquibus priuilegijs uel indulgencijs quibuscumque personis locis seu ordinibus sub quauis uerborum forma, ab apostolica sede concessis de quibus quorumque tenoribus plenam et expressam ac de uerbo ad uerbum oporteat in nostris litteris fieri mencionem; et eciam concedendis¹² per que id quomodolibet ualeat impediri, discrecioni tue liberam concedimus auctoritate presencium facultatem. Datum *et cetera*.

Primum mandatum legati.

Othobonus miseracione diuina sancti Adriani diaconus cardinalis apostolice sedis legatus de Stratford' de Bermondseye de Merton' abbatibus prioribus et conuentibus Cisterciensis Cluniacensis et sancti Augustini ordinum Londoniensis Wintoniensis et Cantuariensis dyocesium salutem in salutis auctore. Cum ex iniuncti nobis officij debito nos oporteat ecclesiarum et ecclesiasticarum personarum statui et saluti prospicere, expedit ut que per nos ipsos circa hoc implere non possumus alijs uiris discretis committamus. Qua propter super uos et ecclesias uestras summum in Christo gerentes affectum et omnia in uobis agi recte et spiritualiter et temporaliter affectantes religiosos et prouidos uiros fratrem Henricum de Wodestok' et consocium ordinis fratrum minorum conuentus Londonie latores presencium duximus destinando, uobis et ecclesijs uestris vice nostra inpensuros visitacionis officium, eciam ea que circa uos inuenierint fideliter nobis relatueros, vt in bonis et bene placitis deo cum graciaram accione gaudere possimus; et si qua minus conueniencia uel honesta fuerint illis correccionis debite remedium apponamus. Quocirca vniuersitatem uestram monemus rogamus et hortamur in domino uobis in uirtute obediencie qua fungimur auctoritate mandantes quatinus

¹¹ Printed in *Registres de Clément IV*, ed. E. Jordan, p. 14, no. 4.

¹² MS. concedenda.

prefatos fratres benigne recipientes et condigne tractantes eisdem circa ea que pertinent ad commissæ sibi visitacionis officium obediatis humiliter et efficaciter intendatis. Alioquin sententias quas tulerint in rebelles ratas habebimus et faciemus auctore Deo inuolabiliter obseruari. Datum Londonie ij kal. Marcii pontificatus domini Clementis papa iiii anno ij.¹³

Littere visitatoris.

Reuerendo religionis uiro domino abbati dei gracia sancte Marie de Stratford' priorique ac ceteris fratribus vniuersis Henricus de Wodestok' de ordine fratrum minorum conuentus Londonie utriusque honoris in Christo salutem et continuam sospitatem. Ex nouo ac speciali precepto domini legati hac quinta feria mihi iniuncto vobis denunciatio quod oportebit me ad vos accedere et auctoritate domini pape personas uestras et que circa uos geruntur et aguntur visitare. Tamen procuram uobis inducias aduentus mei usque ad feriam quartam ante dominicam in ramis palmarum. In cuius rei testimonium ex precepto eiusdem domini legati sigillum meum presentibus apposui. Datum Londonie feria quinta post dominicam qua cantatur *Letare Ierusalem* anno graciae M^o.CC^o. sexagesimo quinto.¹⁴

Memorandum.

f. 258^r.

Anno autem domini M^o.CC^o. sexagesimo quinto¹⁵ feria quarta ante dominicam in ramis palmarum venit quidam nuncius domini episcopi Londoniensis uel eius officialis nunciatus cuidam monacho de Stratford' in ecclesia sancti Pauli Londonie quod eadem die uenturi essent duo fratres minores ad domum suam de Stratford', missi a domino legato ut eos uisitent. Qui uidelicet fratres uenientes ad dictam domum de S. eodem die sero obuiauerunt domino abbati extra abbaciam. Volentes autem ei causam aduentus sui demonstrare, et etiam auctoritatem quam a domino legato habuerunt, respondit abbas se non posse tunc illis intendere, rogauitque eos intrare in abbaciam locuturi cum priore et monachis quousque ipse rediret. Quibus ingressis et a monachis dicte domus honeste receptis scita etiam causa aduentus eorum benigne illis respondentes dicebant se huiusmodi visitacionem admittere non posse nec etiam debere aliquo modo maxime autem in absentia abbatis sui. Nolentibus uero illis in abbacia hospitari sed in uilla miserunt illis monachi cibo et potui necessaria, dicentes se cum illis in crastino colloquium habituros. Mane autem facto perrexerunt ad eos ostendentes eis priuilegia sua quare huiusmodi visitacionem admittere non debebant, petentes etiam ab eis sibi dare inducias quousque saltem cum abbate suo colloquium habere possent. Illis autem dare nolentibus miserunt statim ante faciem suam duos monachos cum priuilegiis suis ad dominum legatum. Ipsi enim dicebant se eorum sequi uestigia quamcunq; possent. Quo cum peruenerint dicti monachi et ibidem usque ad horam prandii morarentur nec predicti fratres ad eos uenerunt, nec ingressum ad dominum legatum habere potuerunt, sicque domi imperfecto negotio redierunt. Feriaque autem tertia sequenti ueniens ad dictam domum de Stratford' predicti domini episcopi Londoniensis officialis in propria persona, talique accepto a domino legato mandato,

¹³ MS. iiii.

¹⁴ MS. septuagesimo.

¹⁵ MS. septuagesimo.

citauit premporie uidelicet dominum abbatem, priorem, cellerarium et consilium domus quod comparerent in crastino coram domino legato cum omnibus priuilegiis suis et indulgenciis presens negocium contingentibus audituri quid aduersum eos esset propositurus. Comparuerunt iuxta tenorem citacionis et lectis quidem priuilegiis suis respondebat ille ea nihil valere nec eius potestatem infirmari per ea in hac parte; inponens eciam eis quod predictos fratres minores ad se missos non benigne sed aspere et inhumaniter et in obprobriosa uerba prorumpentes suscipientes eos affecerunt, quod in consciencia eorum non est nec aliquis eorum vnus talia uerba proferre posse scire potest. Sicque factum est ut inducias ab eodem inpetrare non possent quousque super hac re commune ordinis sui consilium haberent, nec eadem die alterius rei gratiam consequi, set cum tali repulsa recesserunt. Statimque feria quinta sequente scripsit illis frater ille qui super eos talem a domino legato receperat potestatem, uidelicet frater Henricus de Wodestok' quod ex speciali precepto domini legati iterum ueniret ad eos uisitandi gracia uidelicet tali die prefigens eis diem. Interim autem dum hec agerentur miserunt dicti monachi de Stratford' quosdam amicos suos ad dominam reginam supplicantes eidem ut interpellare dignaretur pro eis. Que statim sui gracia nuncios suos misit ad dominum legatum mandans ei quod pro amore suo cessaret ab inquietacionibus eorum in hac parte. Nec regine acquieuit legatus. Que tamen a precibus sic cessare nolens, mandauit alios nuncios ad eundem, ut in propria persona ueniret ad se locuturus secum; quem cum multis precibus pro ista causa pulsaret regina exaudiri non potuit. Accesserunt eciam ad eum plures nobiles Anglie pro ista causa quorum primi erant dominus P. Basset¹⁶ et dominus R. Waleranus,¹⁷ supplicantes eidem pro illis et eciam allegantes, quorum non sunt exauditi preces, nec allegaciones allocate. Iterum autem uenerunt predictus frater et socius die quem prefixerant sero ad portas dicte abbacie quibus dicte domus monachi ingressum denegauerunt mandantes eisdem quod mane illis responderent. Illis autem reuertentibus ad hospicium suum in villa miserunt monachi quod eisdem ad potum nocte illa necessarium fuit, mane autem facto perrexerunt ad eos. Qui cum eis exponerent causam adventus sui statim monachi in prima fronte in scriptis appellauerunt, mittentes eciam eadem hora procuratores suos Londoniam qui eciam coram domino legato eandem appellacionem fecerunt. Quibus iterum ille precepit quod prior et seniores domus comparerent coram eo uigilia Pasche cum priuilegiis aliis si forte plura haberent. Quod eciam factum est. Eadem siquidem die post missam suam in capella eius conspectui se presentantes minus honeste eos a se repelli fecit. Iterum autem cum intraret cameram suam steterunt ibidem petentes audienciam eius. Quo a conspectu suo repellens ut prius, precepit eis audienciam cuiusdam magistri petere qui tunc presens in curia non erat. Cui eciam scripsit sub hiis uerbis.

Epistola ad commissarium.

O. miseracione diuina *et cetera* discreto uiro magistro G. de sancto Petro canonico Londonie salutem in salutis auctore. Cum ex officii nostri

¹⁶ Cf. *Dictionary of National Biography*, s.v. Sir Philip Basset.

¹⁷ *Ibid.*, s.v. Robert Walerand.

f. 259.

debito super statum et reformationem ecclesiarum quantum ad honorem dei et animarum salutem spectat secundum datam nobis a deo gratiam intendentes religiosum virum fratrem H. de Wodestok' de ordine fratrum minorum ad monasterium beate Marie de Stratford' Cisterciensis ordinis Londoniensis diocesis misissemus, ut ibi circa quedam que in ipso monasterio a regularis honestatis semita declinare ad audienciam nostram peruenerat diligenter inquireret et que inueniret corrigenda corrigeret nisi talia essent que ad nos merito perferri deberent. Abbas et monachi dicti monasterii non benigne sed aspere et inhumaniter recipientes et in obprobriosa uerba temere prorumpentes, se a nobis seu de mandato nostro visitari non posse dixerunt et contra hoc se munitos apostolice sedis priuilegiis allegauerunt. Prefatus frater missus a nobis eis deferens certum diem prefixit eisdem¹⁸ quo se coram nobis cum iuribus et defensionibus suis presentarent. Cum igitur prefati monasterii abbas et conuentus termino sibi prefixo qui in hodiernum diem incidat minime comparuerunt coram nobis, nosque contra ipsos tanquam contra contumaces procedere possemus iuste benignius tamen et micus religionis intuitu agere cum eis cupientes, nec tamen tantum scelus silencio preterire ualentes, discrecioni tue qua fungimur auctoritate mandamus quatinus sine more dispendio ad monasterium prefatum personaliter accedens dictis abbati et conuentui preemporie terminum prefigas vt tali die cum omnibus priuilegiis indulgentiis et iuribus suis presens negocium contingentibus per se uel per procuratorem suum ydoneum compareant coram nobis ex parte nostra prefato abbati necnon et priori nihilominus iniungendo vt dicta die *et cetera* personaliter compareant, visuri et audituri que sibi duxerimus proponenda. Denuncies eciam eisdem quod nisi citationi tue paruerint, nos contra ipsos prout secundum iusticiam expedire uidebimus uel uiderimus. Datum Londonie xiv kal. Aprilis pontificatus domini Clementis pape iiij anno ij.¹⁹

Item memorandum quod hec facta sunt anno domini M^o.CC^o.LXV^{mo} 20 et quod dicti monasterii procurator apud dominum legatum nullam gratiam inueniens statim lecta sollempniter eius procuracione in conspectu et audiencia multorum clericorum uidelicet et laicorum appellauit vt prius sic.

Appellacio.

Cum ego frater A. de B. commonachus et procurator religiosorum virorum abbatis et conuentus monasterii beate Marie de Stratford' Cisterciensis ordinis Londoniensis diocesis coram uobis sancto patre domino Othobono sancti Adriani diacono cardinali apostolice sedis legato alias proposuerim, me probaturum optulerim et a uobis appellauerim in forma que sequitur; coram uobis sancto patre domino O. *et cetera* propono eciam ego frater A. de B. monachus monasterii de Stratford' Cisterciensis ordinis Londoniensis diocesis procurator abbatis et conuentus eiusdem monasterii procuratorio nomine pro eisdem abbate et conuentu. Quia cum a sede apostolica abbati Cistercii eiusque coabbatibus et conuentibus sit concessum vt a nullo nisi a patribus abbatibus seu eiusdem ordinis monachis a dictis patribus abbatibus super hoc deputatis visitari uel corrigi

¹⁸ MS. eidem.¹⁹ MS. iiij.²⁰ MS. M^o.CC^o.LXX^{mo}.

ualeant,²¹ sitque concessio memorata per statutum sedis eiusdem nihilominus roborata, quod me offero nomine et vice dictorum abbatis et conuentus pro loco et tempore coram iudice competenti legitime probaturum, vos pie pater volentes in prefato monasterio per vos uel alium uel per alios uisitacionis et correccionis officium exercere, salua in omnibus et per omnia uestre sancte paternitatis reuerencia, dico quod hoc facere non potestis, nec de iure debetis ex officio legacionis generaliter vobis commisse. Sane licet eadem auctoritate sit decretum irritum et inane si contra concessionem supradictam aut statutum memoratum a quoquam fuerit presumptum, sitque decretum quod si alique sentencie in abbates et conuentus²² supradictos occasione huiusmodi fuerint prolata, nullum robor optineant firmitatis; sit eciam concessum eisdem a sede apostolica memorata ne aliquis legatus sedis eiusdem sine speciali mandato dicte sedis in eosdem abbatem et conuentum predictos aut in eorundem monasteriis aliquas excommunicacionis suspensionis uel interdicti sentencias contra ea que ipsis a dicta sede indulta sunt promulget.²³ Tamen ego procurator prefatus metuens ne si vos sancte pater per vos uel alium uel alios uisitacionis officium in preiudicium concessionis prefate et statuti supradicti exercere velitis in monasterio supradicto eciam contingeret abbatem et conuentum supradictos vos uel alium seu alios uestro nomine ad hoc non admittere, ne propterea aliquam seu aliquas interdicti suspensionis aut excommunicacionis sentenciam seu sentencias in prefatum abbatem seu aliquem vel aliquos de dicto conuentu uel in ipsum conuentum aut in monasterium prefatum, de facto per vos uel per alium uel per alios proferatis uel proferri mandetis, nomine et vice supradictorum abbatis et conuentus sanctam sedem apostolicam in hiis scriptis appello et appellaciones instanter peto, supponens supradictos abbatem et conuentum necnon et eorum monasterium et ecclesiam et statum ipsorum ac eciam concessionem prefatam et statutum memoratum et alia priuilegia eisdem et aliis de eorum ordine a sede apostolica concessa protectioni et defensionis sedis apostolice memorate. Item ne aliter uel alio modo abbatem et conuentum predictos uel eorum monasterium aut ecclesiam grauatis, seu contra priuilegia eisdem a sede apostolica indulta aliquid per vos uel alium seu alios attemptetis, sedem apostolicam nomine et vice dictorum abbatis et conuentus in hiis scriptis appello et appellaciones instanter peto. Et cum vos, sancte pater, post hoc preceperitis quod prior et officiales supradicti monasterii uestro se conspectui certa die presentarent ostensuri concessionem statutum et priuilegia sedis apostolice, de quibus in superioribus habetur et fit mencio et sic comparuerint, et de hiis uestre sancte paternitati inde fecerint plenam fidem, appellaciones f. 259^r. supradictas alias uel alia vice interpositas a vobis procuratoris nomine pro abbate et conuentu supradictis innouo, et iterum ut prius propono et appello coram vobis sancto patre domino O. sancti Adriani diacono *et cetera ut supra*. Item ne aliter uel alio modo abbatem et conuentum predictos *et cetera* ut superius notatum est.

²¹ *Regula, Constitutiones, et Priuilegia Ordinis Cisterciensis*, ed. Henriquez, p. 64, no. xx; p. 68, no. xxxi. ²² MS. conuentos.

²³ *Regula, Constitutiones, et Priuilegia Ordinis Cisterciensis*, p. 59, no. xi; p. 73, no. xxxvii.

Liberaciones.

Item memorandum quod iste legatus inhibuit ubi uisitauit, scilicet in nigro ordine, fieri liberaciones secularibus²⁴ que solebant concedi in hac forma. Vniuersis sancte matris ecclesie *et cetera* frater P. dictus uel uocatus prior de tali loco et eiusdem domus conuentus salutem in domino sempiternam. Noueritis nos vnanimi assensu et pari uoluntate dedisse concessisse et hac presenti carta nostra confirmasse tali, scilicet aliqua persona nominata, solo caritatis intuitu cum vno garcione et vno equo in domo nostra sustentamentum suum et honestum hospicium cum sufficienti focali in suo perpetuo uel quoad uixerit uel ad suam vitam, uidelicet tot panes in die uel in ebdomada sibi de pane conuentuali et tot lagenas uel galones ceruisie conuentualis, et diebus qui comedunt carnes tot fercula competencia quorum duorum generum uidelicet vnum de carne salsa seu sallita et aliud de insulsa uel tot bacones per annum et tot carcosia uel corpora bouum et tot multones, et diebus quadragesimalibus et quibus commeduntur pisces tot fercula piscium competencia et que ipse duxerit acceptare; et nihilominus diebus piscium quibus potest lacteus cibus uel oua comedere rationabilem quantitatem casei et butiri uel tot petras per annum; et ad seruientem suum de pane grossiori et ceruisia seruiencium tantum uel sic vni puerorum qui sunt in stabulo prioris; et ad equum suum fenum et prebendam sicut palefrido prioris uel tantum, et in estiuo tempore quando equi herbam commedunt herbagium competenter et sufficienter inueniemus; habendum et percipiendum in domo nostra omni tempore uite sue sine contradiccione cuiuscumque. Ista autem omnia eidem N. in suo perpetuo contra omnes fideliter warantizabimus et solo caritatis intuitu persoluemus. Si uero alibi morari uoluit nihilominus predictam liberacionem per nuncium suum quemcumque mittere uoluerit percipiet; et utrum uoluerit semel in ebdomada pro tota septimana percipere uel cotidie sicut conuentus, in sua uoluntate esset. Et ut hec * nostra donacio *et cetera* pro nobis et successoribus nostris huic scripto sigillum nostrum apposimus. Ista autem plenarie faciemus sub pena decem solidorum operi maioris ecclesie de N. soluendorum quocienscumque aliquod horum omisimus uel in liberacione tardauerimus, hiis testibus *et cetera*.

* MS. 9^a.

Item aliter. Noueritis nos solo caritatis intuitu concessisse tali omni tempore uite sue ad sustentamentum suum illud et illud a nobis annuatim ad tales terminos ibi aliquo loco nominato percipiendum, uidelicet ad illum terminum hoc et ad illum illud. Si autem aliquo tempore ei propter precipuam sollempnitatem uel manifestam corporis sui infirmitatem ei uberius uel curialius prouisum uel ministratum fuerit, non poterit hoc in consuetudinem trahere uel a nobis hoc exigere uel extorquere *et cetera*.

Vel Noueritis nos teneri tali in tanto a nobis solo caritatis intuitu concesso et percipiendo in tali loco quousque eidem de competenti ecclesiastico beneficio quod quidem ipse duxerit acceptandum prouiderimus uel per nos prouisum fuerit *et cetera*.

Item. Noueritis nos teneri domino N. de Lee militi pro auxilio et seruiicio suo nobis et hominibus nostris in illis duobus comitatibus ubique et sine ficcione cum tamen premunitus fuerit de negocio impendendo in

²⁴ This was forbidden in the Constitutions of Ottoboni in 1268: Wilkins, *Concilia*, ii, p. 17, cap. xlviij.

tantum persolendum eidem et ab eo uel speciali attornato suo ad hoc deputato et directo percipiendum ad illas nundinas annuatim quousque circulus²⁵ octo annorum plene compleatur. Ad quod faciendum obligamus nos et domum nostram districcioni et coercioni illius balliui concedentes quod possit nos per bona nostra in balliua sua existencia de die in diem compellere quousque dicto domino N. competenter satisfecerimus. Et si testes idoneos habere potuerimus ad probandum quod ipse seruicium suum uel auxilium a nobis uel nostris postulatum denegauerit licebit nobis dictum redditum eciam ante terminum ab eo uel ei subtrahere uel retinere. In cuius rei testimonium uel ad maiorem securitatem huic scripto *et cetera*.

*Procuratorium ad mutuuum contrahendum mutuuum*²⁶ *quasi in eum terminum.*

Vniuersis *et cetera* abbas de Stratford' Cisterciensis ordinis Londoniensis diocesis et eiusdem loci humilis conuentus in domino salutem eternam. Mittimus dilectos nostros in Christo filios fratres A. et B. priorem et cellerarium domus nostre presencium ad nundinas sancti Botulphi, (*Vel noueritis quod nos constituimus, facimus et ordinamus illum et illum commonachos nostros*) speciales procuratores et attornatos nostros ad mutuuum contrahendum cum quocumque fidei seu cum quibuscumque fidelibus de C. libris argenti ad prouisiones necessarias domus nostre faciendas et procurandas cum ad presens nos grauia et exquisita ad hoc faciendum urgeant negocia. Obligamus eciam nos et domum nostram et omnia bona nostra mobilia et immobilia ecclesiastica et mundana ubi- f. 260. cumque seu quibuscumque locis existencia creditori nostro seu creditoribus nostris quibuscumque aput quem uel aput quos gratiam negocii huiusmodi expediendi inuenerint, scilicet a quo uel a quibus pecuniam prenominatam mutuo acceperint, ad omnem illam pecuniam fideliter et sine ulteriori retencione dilacione uel dolo persoluenda die et loco seu diebus et locis inter eosdem procuratores uidelicet nostros predictos et creditorem nostrum seu creditores nostros si plures fuerint constitutis ratam stabilem et gratam habituri conuencionem quamcumque uel qualemcumque prenominati procuratores nostri cum quocumque creditore uel cum quibuscumque creditoribus in scriptis confecerint. In cuius rei testimonium presentes litteras sigillo nostro maiori et communi signatas ad omnimodam securitatem per predictos procuratores et atornatos nostros creditori nostro uel creditoribus nostris transmittimus patenter. Valete in domino semper. Datum *et cetera*.

Nota quod in procuratoriis nunquam bene ponitur preteritum tempus uel preteritum plusquam perfectum, uerbi gracia, Noueritis quod nos constituimus fecimus et cetera, uel Noueritis nos constituisse et cetera, propter disputaciones que tunc insurgunt inter causidicos uel legistas.

Aliud genus.

Item aliud ad mutuuum contrahendum. In omnibus causis et negociis nos domum uel ecclesiam nostram maxime ad instantes nundinas sancti Botulphi qualitercumque tangentibus dilectos filios et commonachos nostros *et cetera* constituimus facimus et ordinamus, dando eisdem plenam potestatem agendi defendendi excipiendi replicandi appellandi tot saccos bone lane per decem [annos] de rebus nostris ubique ex parte

²⁵ MS. in his.

²⁶ MS. repeats mutuuum.

nostra pre manibus disponendi vendendi et pecuniam pro dicte lane uendicione pre manibus percipiendi ecclesias nostras de A. et de B. per decem annos ponendas ad firmam sub quacumque conuencione nobis uiderint expedire; domum nostrum et omnia nostra quibuscumque et sub quacumque forma uerborum uel quocumque modo nobis uiderint expedire obligandi, ac eciam omnia alia faciendi et dicendi quecumque nos si presentes essemus facere possemus aut dicere, et quecumque ueri et legitimi procuratores facere poterunt aut debebunt. In cuius rei testimonium *et cetera*. Valete *et cetera*. Datum *et cetera*.

*Obligacio.*²⁷

Vniuersis *et cetera* [abbas] de Stratford' et eiusdem domus conuentus Cisterciensis ordinis Londoniensis diocesis *et cetera*. Noueritis vniuersitas uestra nos teneri et hoc scripto obligatos esse A. filio B. ciui de Londonia in viginti libras sterlingorum bone integre et legalis monete legaliter numeratorum quas ab eodem in magnis necessitatibus et pro grauibus et arduis negociis que nos tunc urgebant monasterii nostri et vtilitatibus ecclesie domus nostre utiliter expediendis dominica quarta post pascha anno domini M^o *et cetera* aput Londoniam mutuo accepimus. De cuius pecunie solucione eidem uel atornato suo specialiter ad hoc deputato et nobis hoc scriptum deferenti siue restituenti tali die anno proximo venturo absque omni dolo fraude uel ulteriori²⁸ retencione uel diuturniori dilacione plenarie integre et fideliter aput dictam civitatem de L. satisfacimus sub pena decem solidorum tali archidiacono uel tali iudici uel balliuo uel operi talis ecclesie soluendorum. Si nos quod absit in dicte pecunie solucione contigerit dictis die locoque defecisse uel si in parte uel in toto defecerimus uel quam quidem pecuniam eidem persoluemus *et cetera ut supra* uel si solucionem tardauerimus uel pacacionem distulerimus. Et ad hec omnia legitime sicut supradictum est facienda obligamus nos et omnia bona nostra ecclesiastica et mundana iurisdictioni potestati coherccioni et districcioni uel subicimus nos *et cetera* talis archidiaconi uel talis balliui qui pro tempore fuerit; concedendo uel concedentes quod possit nos per predictam penam uel qualitercumque uoluerit de die in diem uel incessanter compellere et distringere quousque dicto A. de dicte pecunie solucione competenter ut dictum est satisfecerimus. Expensas autem, si quas miserit aut fecerit, expectando pacacionem suam ultra statutum diem eidem uel atornato suo allocabimus et refundemus. Renunciamus eciam in premissis uel renunciantes *et cetera* omni excepcioni cauillacioni regie prohibicioni omnibus litteris seu priuilegiis seu indulgenciis inpetratis et inpetrandis et omni iuris auxilio uel remedio canonici et ciuilis, quod uel que in hac parte nobis prodesse et sibi obesse posset uel possent. In cuius rei robur et testimonium eciam ut eundem securum redderemus hoc scriptum sigillo nostro communi signatas eidem litteras fecimus fieri patentes. Valete *et cetera*. Datum.

Vel Noueritis nos recepisse et habuisse aput Londoniam in pecunia

²⁷ In 1266 the Abbot of Stratford borrowed money from London Jews: *Cal. of Pat. Rolls, 1258-66*, p. 566; *ibid. 1266-72*, p. 496. At the request of his mother, Queen Eleanor, Edward I acquitted the Abbot and convent of Stratford of usuries on all debts due to the Jews, saving to the Jews their principal debts: cf. *Cal. of Close Rolls, 1272-9*, p. 140.

²⁸ MS. *ulteriorone*.

numerata tali die illius anni ab illo et illo mercatore soluentibus tam pro se quam pro illo et illo sociis suis ciuibus et mercatoribus Florentinis, uel Florentibus, tot libras sub tanta pecunia eisdem soluendis tali anno et f. 260^r. tali die si ob regiam inhibitionem aut acta de lane nostre uel decimarum de tali loco uendicione conuencio in suo statu et robore stare et permanere non potuerit. Si autem supradicta conuencio regali inhibitione non obstante nec inpediente firmiter usque ad statutum tempus in antedicta conuencione et stabiliter perseuerauerit et durauerit, predictae tot libre dictis mercatoribus in pacacione sua pro dicta lana seu pro dictis decimis a nobis sine condicione allocabuntur. Ad quod fideliter faciendum obligamus et subicimus nos et omnia bona nostra ubicumque existencia dictis mercatoribus; concedentes quod possint nos secundum leges et consuetudines mercatorum ad nundinas sancti Botulphi distringi facere uel distringere si eisdem ut dictum est dictam pecuniam si tamen soluenda fuerit fideliter non persoluerimus, uel si allocanda fuerit, eam non allocauerimus. In cuius rei testimonium *et cetera*. Valete *et cetera*. Datum *et cetera*.

Vel Noueritis nos anno domini *et cetera* tali die mutuo recepisse ab tali tantam pecuniam, de qua pecunia uel de cuius pecunie solucione vel quamquidem pecuniam *et cetera* pro nobis et successoribus nostris apposuimus. Et hec est forma probabilis et usualis multum faciendi obligationes uel in dacione obligationum.

Peticio consilii.

Magne discrecionis viro et amico suo specialissimo et confidentissimo magistro N. rectori ecclesie de N. sui semper deuoti fratres R. dictus abbas de Stratford' et eiusdem loci humilis conuentus salutem, et sic transire per tempora ut non amittat eterna. Licet per uestram prudentiam et mirificam sapienciam quedam negocia nostra grauia expedita sint et ad effectum debitum deducta et mancipata, tamen adhuc restant expedienda uobis²⁹ feliciter et ad domini beneplacitum grauiora. Vndique enim aduersarii et inimici nostri consurgentes vallo persecucionum et placitorum nos circumdederunt, ita quod continua nobis foris inest pugna et innumeri intus manent timores. Ecce enim ille antiquus aduersarius noster uidelicet ille magnas qui nos per tale placitum inquietare et uexare per modum accionis uel in curia domini regis solebat de nouo prius occultas resumpsit uires, et illud breue quod olim expirauerat per mortem predecessoris sui iam leuauit et resuscitauit vtique quo dicior eo forcior ad nocendum. Omnes enim hiis diebus diligunt munera³⁰ *et cetera*. Insuper et ille dominus legatus nos adhuc fatigare non cessat immo eciam libertates et indulgencias ordini nostro concessas et hucusque in ordine usitatas et approbatas stipatus utique consilio et instigacione multorum prelatorum secum existencium pro viribus nititur adnilare inpugnare et infirmare. Ob quam rem tali die ab eo ad sanctam sedem Romanam appellauimus in forma iuris. Et propter hoc et alia multa que nimis esset longum enarrare et per singula enumerare, in presenciarum in tam arto positi sumus quod necessitate legem non habente compellimur uel com-

²⁹ MS. v̄t.

³⁰ Isaiah i. 23. The MS. has *in misericordia*, the scribe having apparently misread *mun'a* as *in m̄ia*.

puli[mur] amicos nostros vniuersos et singulos omnes ad consilium nostrum-
que ubicumque existentes conuocare, uestram discrecionem *et cetera*.

Vel Quum inter nos et talem nuper, uel de nouo, noua lis seu contencio
orta est que sine magnorum consilio et discrecione finem debitum sortiri non
potest, unde et ad eam sine uestro consilio et dispositione manum apponere
non audemus, pro qua quidem lite hac instanti die iouis apud Cestr'
coram domino archidiacono comparere debemus, nescientes adhuc quid
ipse agere uel proponere intenderit, nec habemus ad presens alicuius alterius
tutum et securum consilium cui nos contra dicti aduersarii nostri insidias et
maliciam, qui pro viribus nos exheredare disponit et intendit, committamus,
discrecioni uestre attente supplicamus et deuote quatinus omni occasione
remota ceteris interim pretermisissis, licet uobis graue sit et sumptuosum
quod bene nouimus sic commodum et honorem nostrum diligitis hac
instanti die Lune super dicto negocio tractaturi, et nobis super hoc consilii
uestri et auxilii impensuri beneficium; ad nos uel ad domum nostram
personaliter accedatis, uel nobis presenciam uestram exhibere seu presen-
tare uelitis; ut per uestrum consilium et per uestram prudentiam dicti
aduersarii nostri maliciam, qui nos uexare non cessat, caucius euitare
possimus. Tantum igitur si placet faciatis ne domus nostra contra priui-
legiorum nostrorum indulgencias in aliquo casuram paciatur uel ad
aliquam deiicionem seu apporacionem, quod ad vestre discrecionis
lesionem cederet quod absit, cum et vos ita cum ipso sitis ut nos tamen non
deseratis deueniat, uel aliquod dampnum sustineat in presenti.

Vel Quum in necessitatis articulo solebant amici specialiores et dis-
creciores requiri, in quorum discrecione uel audacia maior pendet fiducia,
ad vos tanquam ad unicum et singulare in hac parte refugium necessitate
ducti recurrimus, rogantes attentius quatinus super magnis et arduis
negociis libertates ecclesie nostre tangentibus tractaturi tali die ad nos
et cetera.

Vel Noueritis nos a quibusdam parochianis nostris uel parochianorum
nostrorum inplacitari de quibusdam decimis que forsitan dari non consue-
uerunt quas nos uolenter asportauimus; pro quo placito ad prosequendum
querelam nostram ibi tali die coram tali comparere debemus. Propterea
vos rogamus uel quapropter uel ob quam rem *et cetera*. Tantum igitur
pro nobis in absentia capitis uel prelati nostri si placet faciatis quod ipse
qui nuper uersus Londoniam iter arripuit cum aduenerit preter certam et
debitam conduccionem et mercedem merito uobis teneatur ad grates uel
graciarum acciones et ad obsequia.

Dispensacio.

Viro reuerentissimo summi pontificis vicario domino O. miseratione
diuina sancti Adriani diacono cardinali apostolice sedis legato suus si
placet filius deuotus frater N. dictus abbas de Stratford' Cisterciensis
ordinis Londoniensis diocesis utriusque honoris in Christo salutem et
pedum oscula beatorum. Firmiter credimus et confitemur quod in
aduentu uestro ad regnum Anglie uisitauerit nos oriens ex alto. Qui
uenistis utique ad consolandum pusillanimes et medendum contritis corde
ac pauperibus euangelizandum. Hinc est pater reuerende quod latores
presencium fratres A. et B. commonachos nostros vestre destinamus

clemencie, deprecantes et excusantes in domino quatinus si dispensacionis locus est in casibus eorum scilicet casus in transcriptis vobis inspiciendis non notarii manu sed nostra scriptis et sub sigillo nostro vestre paternitati transmissis cum eisdem si placet dispensare uelitis. Verum quidem et fidele testimonium perhibentes eisdem dicimus in veritate quod satis contristantur super errore suo uitam honestam cum conuentu fratrum suorum ducentes et pacificam, sed ut eo feruencius sub disciplina regulari militare ualeant quo propinquius diuinis fuerint coniuncti petiuerint pro deo ab altaris ministerio diucius non separari. Huius autem rei causa beneuolencie uestre complementum assiduis exoramus anxietatibus clamoribusque humilibus humiliter supplicantes quatinus super afflictos pia gestantes viscera prouida consideracione condescendatis, casibus horum fratrum nostrorum si aliqua indulgencia possint in gradu sacerdotali diuinum officium exequi et exercere. Periculosum enim eis esset ad dominum papam Rome existentem transalpinare et per tot galaxias incedere deficientibus expensis ob nimiam paupertatem. Mandatum uero beneplaciti uestri expectamus languentes filiorum nostrorum egritudine, sed Salomone dicente quia legatus fidelis sanitas,³¹ non desperamus sauciati, si uobis placuerit uestra consueta benignitas³² que ubique puplice circumdatur et priuatim dolorem nostrum temporare et mitigare. Conseruet altissimus incolumitatem uestram ecclesie sue per tempora longa. Datum *et cetera*.

Memoranda of Hugo de Assendelff and others

IN the library of Corpus Christi College, Oxford (MS. 462, A. 5. 20) is a copy of the Utrecht missal printed in Paris by John Higman for Wolfgang Hopyl, 30 November 1497. Being on vellum the book is suited for the preservation of family records; and for this purpose it was used by a member of the family of Assendelff, or Assendelft, which took its name from a village and estates lying about ten miles to the NE. of Haarlem. On the verso of f. 1 before the title a name is inscribed, with marks of possession; but subsequently, when the book passed, perhaps by presentation, to Master Hugo de Assendelff, the first owner's name was effectually erased, and all that can now be read is that he was 'wonende toe Delft'. The calendar prefixed to the missal is full of manuscript notes in various hands, which can without difficulty be identified. They chronicle a few public events; but, as is natural, are concerned mostly with the family, recording births, marriages, and deaths of its members.

Master Hugo was born on 3 November 1467. As a boy he saw the enthronement of Maximilian at Haarlem in March 1478; and was present when his great-uncle, Hugo, founder of the Cistercian house at Heemstede, died in February 1483. In 1487 he was M.A. at Louvain, and ten years later became Licentiate

³¹ Proverbs xiii. 17.

³² MS. benigne.

there in Civil and Canon Law. He then took orders at once in the diocese of Liège, passing from deacon to priest within eleven days. To celebrate his first mass he returned to Louvain; but shortly afterwards went home to undertake the vice-curacy of St. Bavo's at Haarlem, his provost being Nicholas Ruter or Ruistre, who was also provost of St. Peter's at Louvain, and therewith Chancellor of the University. In 1507 Hugo was appointed Canon of The Hague, but did not at first relinquish his vice-curacy at Haarlem; for in 1508 he made the official 'harangue' to Maximilian on behalf of the two estates in the town. But in 1510 he resigned, in consequence of having received in 1509 the appointment of Consul at the Hague; and there the rest of his life seems to have been spent. In a letter of Dorp from The Hague, November 1519, he is mentioned as favouring Erasmus's work; and in the pages of de Hoop Scheffer, *Geschiedenis der Kerkhervorming in Nederland*, he appears as taking part in the suppression of heresy. To the children of his married sister and brother he showed regard; acting as godfather to several of them. In his entries in the missal he often amuses himself with making chronograms. Two of these, which are marked here with an asterisk, I have not been able to work out. It is noticeable that he always treats the letter D as having no numerical value.

In 1530, ten years before his death, he handed over the missal, not to Nicholas, the future head of the Assendelff family, but to Adrian de Treslong, eldest of his sister's line. It may be noticed, however, that notwithstanding this cession there are entries by him still in 1534 and 1536. Adrian kept the book till after 1547, and then surrendered it to his son Louis; who in 1594 passed it on to the next generation, choosing again not an Assendelff, but Reynold de Brederode, the eldest son of his first cousin.

The extracts which follow give information which in most cases is at first hand; and, except for occasional uncertainty as to the precise day against which an entry is placed, they are entirely to be relied upon. If the persons whose lives they illustrate had been insignificant and obscure, the regular series of records would still have some interest: as they concern a family distinguished in Dutch history, they have importance for biographical purposes.

1. *Entries made by Hugo de Assendelff about public events.*

<26 Sept. 1345.> NoX CosMe LVXIIt HoLLos qVos FRIsIa fLIXIt, siue obitus illustrissimi Wilhelmi, Comitiss Hollandie, 1345.

<May 1417.> Obiit Wilhelmus, Comes Hollandie, aº. xiiiº. xvii, filius Alberti Bauariensis. Qui Albertus aº. xiiiº. lxxv exererat Collegium Hageñ. Et anno domini xiiiº. 4º. plantauerat arbores lynden nuncupatas supra montem viuarium.

- <9 Oct. 1436.> Obiit illustris Comitissa Hollandie domina Iacoba a^o. xiii^c. xxxvi.
- <19 Aug. 1466.> Arnoldus Dux Gelrie a filio suo Adolpho capitur a^o. 1465. Adolphus Dux Gelrie patrem suum Arnoldum captium duxit matre auxiliante a^o. 1466. PeCCaVI In ConspeCtV aLtIssIMI, vel sic, *PeCCatVM LVo qVod peCCaVI, a^o. xiii^c. lxvi. Et anno subsequen. illustrissimus Dux Phillippus, pater Karoli, magnam (in Francia circa montem Herrii¹) obtinuit victoriam, vt patet in data, A CheVaL, a CheVaL, gens darMes, a CheVaL, sc. anno domini millesimo quadringe(n)tesimo sexagesimo septimo, 1467. Et anno subsequen. sc. 1468 bellicosus Karolus inuasit et destruxit pro parte Leodium. Qui victorio(ss)issimus Karolus Ducem Gelrie Adolphum captium secum duxit Et a^o. 1473 ipse illustrissimus Karolus in Gelria intronizatus fuit. Qui anno domini xiii^c. lxxiiii obsedit Nusiam mensibus vndecim, & anno 1475 inuasit Ducatum Loringiam R. circa spacium anni.
- <5 Jan. 1477.> NanCI noCte regVM KaroLVs sVCCVbVI ense.
- <20 Jan. 1482.> Leyda spoliabatur a^o. 1482.
- <3 May 1492.> Anno domini xiii^c. xcii Harlem porte Crucis violenta apertio facta fuit a Kenemariis, quod bellum intestinum Casenbroot fuit nuncupatum.
- <1492.> Fridericus Imperator, Maximiliani genitor, obiit a^o. xiii^c. xcii Ladnis. A.E.I.O.V.²
- <7 Aug. 1502.> Anno domini xv^c. secundo reuerendissimus dominus Nicolaus Ruuter consecratus in ecclesia diui Petri Louanii Attrebatē. episcopus.
- <26 Sept. 1506.> Et eodem die, sed a^o. xv^c. sexto, siue 1506, obiit serenissimus Rex Castelle Phillippus, Archidux Austrie (qui genitus fuit Iohannis Baptiste a^o. domini 1478, vt patet
OMnIbVs aCCeptVs regnat noVV sCCe PhILIPPVs: xiii^c. lxxviii).
CIta Mors CLarI regIs CasteLLe PhILIPP.
- <6 Aug. 1510.> Gestopt dat gut en Sparendam d. a^o. xv^c. x sed non per Heynrados (?).
- <19 Sept. 1510.> Obiit D. magister Albertus Coninck, a^o. 1510, confrater meus.
- <12 Jan. 1519.> Obiit Maximilianus Imperator a^o. xv^c. xix, 1519, xv^c. xix.
- * DVM Cesar CeCIdIt, doLVIt CaroLVs.
ACCIPias aqVILaM reX CaroLe CesarIs heres :
scilicet data electionis ad imper(ium).
- <5 Nov. 1530.> Anno xv^c. xxx mense Nouembri die quinta maxima ruina aquarum fuit in multis regionibus.
HoLLant ZeeLant besCreIIen beVVenen MaCh
SInte FeLIX zInen qVaden SaterdaCh
- <30 Nov. 1530.> Anno domini xv^c. xxx obiit illustrissima domina Margareta, filia Maximiliani Imperatoris et amita Karoli moderni Imperatoris; cuius anime propicietur Deus. Cuius data obitus habetur in versu Psalmi lxxxviii et in versibus sequē.

¹ Monthéry, 14 July 1465.² Austria erecta (?) iuste omnia vincit.

NICHIL profICIet InIMICVs In ea et FILIVs InIqVItatIs non
 apponet noCere eI. A^o. 1530.

vel sic : DesIne LetarI LVgeas BVrgVndIa fessa,

Margareta CVbat : CeLo reqViesCat In aLto.

<3 May 1536.> VVee VVee CrVIs daCh

DeLff zeer beCLagen MaCh.

id est a^o. xv^o. xxxvi, 1536, oppidum Delfeñ. inuentionis sancte
 Crucis festo fuit combustum.

2. *Entries made by Hugo de Assendelff (3 Nov. 1467—21 July 1540) concerning himself.*

<3 Nov. 1467.> a^o. 1467 natus Hugo de Assendelft, qui me hic donauit.
 Genitus ac procreatus a^o. domini xiiii^o. lxxvii Hugo.

<31 March 1478.> Anno domini xiiii^o. lxxviii, siue a^o. 1478, illustrissimus
 ac inuictissimus Maximilianus, filius Friderici Imperatoris semper
 augusti, vt maritus illustris Ducisse Marie, Comitisse Hollandie,
 Zelañ. &c., filie Karoli, F. R. &c., Harlem fuit intronizatus. Attestor
 quia vidi.

<3 Feb. 1483.> Magister Hugo de Assendelff, frater Bartoldi de Assen-
 delff, F. R., aui mei, obiit a^o. xiiii^o. lxxxiii ipso die diui Blasii demane
 hora sexta. Testor quia vidi.

<3 April 1487.> a^o. xiiii^o. lxxxvii promotus in artibus Louanii.

<30 Jan. 1497.> Feci repeticionem Louanii pro gradu licencie in vtroque
 iure adipiscendo a^o. 1497.

<1 Feb. 1497.> a^o. xiiii^o. xcvi gradum liceñ. in vtroque iure adeptus.

<13 March 1497.> Ordines suscepi dyaconatus ego Hugo de Assendelff
 Leodii in ecclesia diui Lamberti a^o. 1497, a^o. xiiii^o. xcvi.

<24 March 1497.> Hic a^o. xiiii^o. xcvi ordines et gradum pre(s)biterii
 Leodii suscepi in ecclesia sancti Lamberti.

<30 April 1497.> Hac die a^o. xiiii^o. xcvi Louanii in capella clericorum
 meas celebraui primitias a^o. 1497.

<24 June 1497.> Anno xiiii^o. xcvi officium cure Harlemeñ. acceptaui. Et
 Archidux Phillipus Harlem suum fecit introitum, et Iohannis Bapt^o.
 finita missa (quam cantauit) fuit intronisatus vt Comes Hollandie.

<15 March 1507.> a^o. 1507 effectus capitularis Hagensis et a^o. ix subse-
 queñ. acceptus ad consulatum Hageñ. curie.

<16 Aug. 1508.> Anno xv^o. viii Maximilianus Imperator Harlem veniebat,
 et ego vt vicecuratus arengam feci ex parte vtriusque status tam
 spiritualis quam secularis. Et de post a^o. sequeñ., sc. xv^o. ix adeptus
 sum consulatum in Haga Comitum.

<20 July 1509.> Anno xv^o. nono receptus fui ad consulatum Hollandie
 in Haga Comitum presente illustrissima ac nobilissima domina Mar-
 garetta filia Imperatoris Maximiliani. Que mihi dedit anulum, scilicet
 saphur, valentem centum Reneñ. et cyphum cum coopertorio valen.
 46 fl.

<15 Nov. 1509.> Isto die obiit dominus meus reuerendissimus Episcopus
 Attrebatē., magister Nicolaus Ruter, pastor ecclesie Harlemeñ. In
 cuius officio fui xii annis continue. Anno domini obiit xv^o. nono [ob^t].
 Sepultus Louanii in ecclesia sancti Petri ante summum altare.

3. Entries made by Hugo de Assendelff concerning his own family.

<1 Aug. 1333.> Anno millesimo trecentesimo { ^{xxxiii} }
 30tercio} obiit Wilhelmus
 de Assendelff, vt patet clare in suo epitaphio in ecclesia Harlemeñ.
 pendeñ.

<Aug. 1362.> D. Bartoldus de Assendelff, filius Wilhelmi, auus aui mei,
 obiit a^o. xiii^c. lxii, sc. 1362, vt clare patet { aut sculpture legenda (?) }
 in epithaphio }
 illorum de Assendelff pendente in ecclesia Harlemeñ. in opposito
 sepulchri antedictorum de Assendelff.

<25 June 1412.> Obiit a^o. xiii^c. xii Wilhelmus de Assendelff, pater aui mei,
 a^o. 1412.

<21 Jan. 1483.> Obiit amita mea de Aemstel a^o. 1483.

<3 Feb. 1483.> a^o. xiii^c. lxxxiii deuotus magister Hugo de Assendelff,
 monasterii de Heemstede fundator, obiit; qui annis lviii fuit sacerdos,
 quasi cotidie celebrañ., vir sancte ac castissime vite.

<12 May 1483.> Obiit soror mea carissima domicella Ana de Assendelff
 a^o. d. xiii^c. lxxxiii.

<11 Oct. 1483.> Anno xiii^c. lxxxii obiit Elizabeth de Maern, monialis in
 Wyco Duerstede, in lingua Latina tritissima, matertera mea caris-
 sima, a^o. 1483.³

<26 Dec. 1491.> Obiit a^o. xiii^c. xci discretus vir Albertus de Assendelff,
 meus genitor. (fo. x) Meus quidem genitor Albertus de Assendelff
 obiit ipso die Stephani a^o. xiii^c. xci.

<27 July 1494.> Obiit a^o. 1494 amita mea soror Haza de Assendelff, monialis
 in Wermonda.

<17 Sept. 1498.> Obiit domicella Margareta de Assendelff, begina in
 Harlem, a^o. xiii^c. xcvi.

<22 June 1499.> Obiit Iacobus de Assendelff a^o. 1499, scultetus Harlem.

<25 May 1501.> Obiit Arnoldus de Maern, auunculus meus, a^o. xv^c. primo,
 die Vrbani. Sepultus Traiecti in ecclesia diue Katherine. Sed de
 post in demolitione ecclesie obrutus in ecclesia sancti Iohannis
 Traiecti, data in versu :

ArX dICor paCIs a qVInto CondIta ⁴ CharLo,

Grata bonIs statIo sed ferrea VIrga MaLIgnIs. sc. a^o. 1529.

<25 Oct. 1503.> Anno domini xv^c. tercio hoc die Ludouicus de Bloys et
 Treslongue circa sepulchrum domini nostri Ihesu Christi fuit miles
 solempniter ordinatus. Hoc sub testimonio sigilli fratris Francisci de
 Lentonia, &c.

Nunc a^o. domini xv^c. xxii fuit dominus temporalis de Veenhuysen,
 etiam heemraedt van Rynlant en meesterknaep vander houtuesterie
 in Hollant : maritus sororis mee domicelle Anne de Assendelff.

<2 March 1506.> Anno xv^c. vi genita fuit domicella Maria de Assendelff,
 filia fratris mei; cuius petrinus ⁵ sum.

<30 Jan. 1507.> Et anno xv^c. septimo Anna mea soror fuit sponsa et
 matrimonialiter coniuncta domino Ludouico de Bloys et Treslongue,
 militi Iherosolomitano.

³ Of the conflicting year-dates the roman figures seem more likely to have been
 corrupted.

⁴ conditus MS.

⁵ For patrinus.

- <11 Nov. 1507.> Natus fuit Raso de Bloys et de Treslongue a^o. domini 1507, primogenitus sororis mee domine Anne, vxoris domini Ludouici de Treslongue, militis Iherosolimitani, a^o. domini xv^o. septimo.
- <18 June 1508.> Genita filia fratris mei domicella Margareta de Assendelff, monialis professa in Conincoxelt a^o. xv^o. viii.
- <9 March 1509.> Anno xv^o. natus Albertus de Bloys, 2^{us} filius sororis mee Anne.
- <12 Sept. 1509.> Genitus Nycolaus de Assendelff, filius fratris mei, anno xv^o. ix.
- <15 Sept. 1509.> Obiit xv^o. nono mater mea domicella Cristana de Maern a^o. 1509.
- <14 April 1510.> Anno domini xv^o. x genitus ac Harlem baptizatus Adrianus de Bloys et de Treslongue, filius 3^{us} continuus sororis mee Anne; cuius petrinus sum.
- <2 Sept. 1510.> Obiit soror mea domicella Yda de Assendelff a^o. xv^o. decimo.
- <17 Jan. 1510/1.> Genita filia fratris mei domicella Adriana a^o. 1510, scilicet xv^o. x; cuius petrinus sum.
- <16 July 1511.> Anno xv^o. xi Albertus de Bloys, filius 4^{us} sororis mee, vxoris domini Lu^{ci} de Treslongue; cuius petrinus fui.
- <6 March 1511/2.> Anno xv^o. xi secundum cursum curie genitus Albertus de Assendelff, filius fratris mei.
- <7 March 1513.> Natus Georgius de Bloys et de Treslongue a^o. xv^o. xiii, quartus ⁶ filius sororis mee Anne.
- <8 April 1513/4.> a^o xv^o. xiii genitus Arnoldus de Treslongue.
- <4 Sept. 1515.> Genitus Wilhelmus de Assendelff a^o. 1515.
- <8 Feb. 1517.> Anno xv^o. xvii natus fuit Hugo de Bloys et de Treslongue, septimus filius et vltimus sororis mee die dominica hora 8^a. Petrini dominus Consul, doctor Zasbout, soror mea Aleydis et ego.
- <6 March 1522.> Et a^o. xxii <genita> Francisca de Assendelff.
- <17 Sept. 1524.> Genitus filius fratris mei Heinrichus de Assendelff anno xv^o. xxiii, 1524.
- <4 March 1526.> Hac die dominica Oculi a^o. xv^o. xxvi obiit nobilis vir dominus Ludouicus de Bloys et de Treslongue, miles Iherosolimitanus, Hillegom sepultus.
- <18 June 1534.> Obiit domicella Adriana de Gouda, vidua Gerardi de Berkenroed, a^o. 1534, xv^o. xxxiiii, Meglinie.

f. 1 at end.

Fundavit magister Hugo de Assendelff monasterium diui Barnardi honori, vt habetur in Cronica Hollandie folio trecentesimo, cuius data habetur in sequen., sc. a^o. xiiii^o. lviii.

HanC portaM CeLI CrIstVs regat et benedICat. 1458.

Data fundacionis seu erectionis huius monasterii extra Haerlem (In porta celi) in Heemstede ordinis Cistersien. in vnico versu :

Est Lege phas opVs hoC InCIpIt eCCe Modo: Mcccclviii.

Data fundacionis hospitalis nostre domine in platea sancti Iohannis Harlem: de domo paterna fundavit ipse magister Hugo.

Epitaphium ipsius fundatoris huius monasterii in Heemstede prope oppidum Harlemense vel Harlemeum, cum data anni, diei et mensis obitus eiusdem vna cum quot annis ipse vixerat, et totum metricè :

⁶ Evidently fourth surviving.

DedItVs ethereIs spernens erat eCCe seCVnda,
 Dans ea paVperIbVs, VIr probItate nItens.
 HVIVs orIgo gregIs dassendeLf HVgo saCerdos,
 CVIVs sVnt ossa rVpe sepVLta sVb haC. Mccccxxxiii.
 BIs qVater en denIs VIXIt neXIs trIbVs annIs
 Ipse sed In terna LVCe sVblt FebrVI.
 QVIsqVe preCetVr eI dentVr qVo gaVdIa CeLI:
 Ipsa Carent fIne, Cetera deperIVnt

Iste venerabilis ac deuotus in Christo sacerdos, magnus elargitor pauperum, mitis ac mansuetus suis amicis, Deo ac hominibus dilectus: qui magister Hugo de Assendelff, frater Bartoldi de Assendelff, F. R., aui mei, obiit a^o. x. iiii^c. lxxxiii ipso die diui Blasii demane hora sexta. Testor quia vidi. Fuit eciam fundator hospitalis Beate Marie Virginis situati Harlem in platea sancti Iohannis Baptiste pro tredecim pauperculis, sibi et pro suis heredibus reseruando duo loca: quod hospitale de domo paterna erexit, et bene ipsis pauperculis prouidendo de missa cotidiana legenda et diebus Sabbatis cantanda, eciam de cotidianis laudibus nostre domine post laudes matricis ecclesie decantan. Et ibidem lviii annis quasi cotidie celebravit demane hora septima; ad quam horam pauperes confluebant in multitudinem, et singulis per suum familiarem denarium distribuit. Et singulis feriis sextis a vino abstinen. vsque ad laudes ieiunauit. Anima ipsius ac parentum requiescant in pace. Amen.

Presentation to Adrian de Treslong:

f^o. a^r v^o.

Ex donatione magistri Hugonis de Assendelff, canonici et consulis in curia Hagen., qui ab anno xiii^c. xvii vsque annum xv^c. decimum hic Harlem vicecuratus fuit. O vos missam legentes ex presen., preces pro parentum suorum animabus fundite. In signum donationis hec sub manu propria scripsit et signo manuali subscripsit a^o. 1530.

NIChIL profICIat InIMICVs In eo et fILIVs InIqVItatIs non apponat
 noCere eI. 1530.

Ita est. Hugo de Assend(elff.)

Esto constans. Soyez constant. Hugues de Assendelff.

Dit missael behoert mij Hüge van Assendelff, priester.

f. II v^o at end.

Cest liure apartient au maistre Hugues d'Assendelff, chanone a la
 Hage en Hollande.

Pertinet michi Hugoni de Assendelff, ecclesie Harlemensis vicecurato. f. III at end.

Dit behoert meester Hüge van Assendelff, vicecureyt tot Harlem a^o. xv^c. ix.

Inscription perhaps in the hand of donator: not before 1507.

f. 2 before title.

Pertinet magistro Hugoni de Assendelff, canonico in Haga Comitiss.

Dit bueck behoert meester Hüge van Assendelff, canonick in den Hage.

4. *Entries made by Adrian de Treslong (14 April 1510—2 March 1573).*

(19 Jan. 1533.) Lodewyck myn erste zoen is gheboeren Sacterdachs voer Sinte Angeniet anno xxxiii, dachs te xii veren. Zyn gheuader zyn myn joffr. moeder, en myn heer oem van Assendelft en heer Raessi myn broeder: 7 opten xix Ianuarii.⁷

⁷ Added by a later hand. 19 Jan. 1533 was a Sunday: the year-date is confirmed by Lodewyck's death, 9 Dec. 1610, aged nearly 78.

<7 Nov. 1534.> Claes myn twede zoen is gheboeren a°. 34. Zyn gheuaders zyn myn heer om van Assendelt, myn moy van Assendelft en heer Raes myn broeder.

<8 Aug. 1540.> Hac die obiit mater mea domicella Anna de Assendelft. In pace requiescat.

<9 June 1547.> Sacarmendt dach a°. 47.

<3 Dec.> Hilgom.

f. II v° at end. Adriaen van Treslonge bihoert dit boeck toe. Espoer conforte. A. de Treslonge.

5. *Entries made by Louis de Treslong* (19 Jan. 1533—9 Dec. 1610).

<14 April 1515.> Et mater mea charissima nata a°. 1515.

<6 March 1528.> A°. 1528 d. 6^{en}. Maert quamen die Gelderschen inden Haech en pilleerden ii <dach>.

<21 July 1540.> A°. 1540 M^r. Hugo de Assendelff, consiliarius et canonicus curiae Hollanⁿ. 21° Iulii obiit.

<8 Aug. 1540.> Augusti 8° a°. eodem obiit domicella Anna de Assendelft.

<? 9 Dec. 1550.> A°. 1550 Decembris natus frater meus Cornelius de Treslong : ⁸ qui obiit sine liberis 23 Februarii 1599.⁸

<3 Jan. 1553.> d. 3^{en}. Januarii 1553 es ouerleden Joffr. Catherijna van Berkenrode, Joncker Adlbrecht van Treslonge huijsvrouwe.

<15 July 1555.> xv°. Iulii a°. 1555 obiit Albertus de Bloijs de Treslonge, ⁶ Ludouici F., ⁶ meus patruus charissimus.

<1 Oct. 1563.> d. 1^{en}. Octobris 1563 starff mijnen lieuen neeff, Joncker Nicolaes vander Duijn, houtvester van Hollant.

<2 March 1573.> d. ij^{en}. Martii a°. 1573 es ouerleden mijn z. vader, Joncker Adriaen van Treslong, Hr. Lodewijcx zoon.

<20 Aug. 1573.> 20 d. Augusti a°. 1573 Lancilotus a Brederode.

<28 Dec. 1573.> Hoc die Innocentium obiit a°. 1573 mater mea charissima, domicella Aeuua, vidua nobilis Adriani de Treslonge, patris mei.

<6 Aug. 1574.> 6 Augusti a°. 1574 domicella Adriana de Treslong, Alberti filia, eius <Lanc. de Brederode> vxor obierat.

<23 April 1584.> d. 23 Aprilis 84 stilo nouo obiit Cornelius de Noorden, cognatus meus.

<4 Aug. 1585.> 4^o die Reinaldus de Brederode, Lanciloti filius, ordinatus dominus in Veenhuijss a°. 1585, stilo Hollan.

<July 1589.> Henricus de Brederode, meus cognatus charissimus, obiit hoc mense a°. xv°. lxxxix. In Anglia.

f. II v° at end. <22 May 1594.> Dit boeck behoert in eigendom toe mijnen neeff, Joncheer Reijnout van Brederode, heere van Veenhuijss, in kennisse van mij den xxij^{en} Maij 1594.

L. van Treslong.

6. *Entries made by Reynold de Brederode, last recorded owner of the Missal.*

15^{to}. Aprilis 1465 obiit D. Bartoldus d'Assendelf, eques, primus Veenhusae dominus et Vlielandiae.

⁸ Added by Reynold de Brederode.

- 7 Ianuarii 1494 obiit Raso Treslongius, maritus Christinae de Coene, quae iam ante defuncta erat 2^{do} Octobris 1476.
- Obiit anno 1526 4 Martii D. Ludouicus de Bloys de Treslong, eques Hierosolimitanus, Rasonis F., relicta vidua sua Anna Assendelfia, Domina de Veenhuysen.
- 21 Iulii obiit Hugo Assendelfius, canonicus et consiliarius curiae Hollandiae a^o. 1540, possessor huius libri.
- 8 Augusti 1540 obiit Anna Assendelfia, Veenhusae domina, vxor D. Ludouici Treslong, equitis.
- <Jan.> A^o. 1542 obiit Adriana de Assendelf, D. Bartholdi filia, vxor Francisci de Almaras.
- 27 Nouemb. 1545 obiit Domicella Alijdt d'Assendelf, monialis Harlemi op thoet.
- 19 Ianuarii 1549 obiit Bartoldus Assendelfius, Alberti filius, frater magistri Hugonis.
- 12 Iulii anno 1578 obiit D. Raso de Bloys de Treslong, D. Ludouici F. natu maximus, Decanus collegii Leydensis, in ecclesia S. Pancratii.
- <9 July.> Obiit a^o. 1582 Arnoldus Treslongius, D. Ludouici F. penultimus, canonicus Leydensis in templo S. Pancratii.
- xx^{mo}. Octobris 1592 obiit Artus Brederodius, consiliarius curiae Hollandicae, patruus meus.
- 1^{mo}. Augusti 1594 obiit Guglielmus de Bloys, dictus Treslong, Casparis F., Dominus de Pettegem in Flandria, sijnde geweest en sijn leuen eerst Baillu van den lande van voorne, daernae Gouverneur van t'West-quartier van Vlaenderen en Lieutenant Admiraal van Zeelant, en ten laetsten tot sijn ouerlijden toe Lieutenant Houtfester van Hollant en Westfrieslant. Leijt tot Noorwijck begrauen. Achterlatende bij sijn huijsvrouwe Joffr. Adriana van Egmont, dochter van Hr. Otto Ridder, heer van Kenenburch, 2 zoonen, Jaspas en Willem, met een dochter Joffr. Catharina, de welcke ont omtrent 20 iaren en ongehijlicht starf den 6 Septembr. 1599.
- Nono die Februarii a^o. 1600 Vltraiecti obiit Otto Bloisius a Treslong, praedicti Hugonis filius natu maximus, canonicus in templo D. Martini Vltraiecti, vulgo domheer, natus annos circiter 57 aut 58.
- xxv^{to}. Iunii 1601 obiit Hagae domicella Geertruda ab Oldenbarneult, vxor Reinaldi Brederodii, Veenhusae domini, relictis 2 filiabus.
- ij^{do}. Iulii 1601 obiit sine liberis Harlemi Nicolaus Assendelfius, dominus de Sgrauenmoer, Nicolai F., Bartholdi N.
- <9 Dec.> Obiit Leydae D. Ludouicus de Treslong, olim canonicus Sti. Pancratii, a^o. 1610, natus fere annos 78, sine liberis.

Besides the entries given above there are a few more indications of Master Hugo and his interests. Against 3 June he writes 'Herasmi', the name of a saint whose cult had been steadily rising into prominence through the fifteenth century; against 1 October 'Bauonis', the name of his church's patron at Haarlem. A table to find Easter (f^o. k) begins at 1520; a table for Septuagesima (f^o. c²) at 1526.

Anno domini xv^e. xxvi dominica lxx^e. erit xxviii Ianuarii. Et si vis scire

dominicam lxx^e. ad multos annos vi^c. et vltra, vide et mastica tabulam meam quam posui in ecclesia sororum siue conuentus sancte Barbare ordinis Premonstraten^{se} pendeñ. in opposito altaris sancte Crucis ibidem.

In 1531 he inserts (f^o. c²) :

Spero per Dei gratiam quod hoc anno illustrissimus ac inuictissimus Karolus Rhomanorum Imperator semper augustus Turcham debellabit ; quod in animo habui ad Romanos iuxta datam que habetur in verbis sequen^t. : NICHIL profICIat InIMICVs In eIs et fILIVs InIqVItatIs non apponet noCere eIs. sc. a^o. 1531. quod habui ex sermone Cardinalis sancte Crucis Meglinie, qum thuribulum ad chorum portauit sc. a^o. 1507.

The table continues, sometimes in French, to 1571 ; and at the end he adds

Et sic vltorius praeterea, ex oratione pulcherrima in fine breuiarii mei descripta vel etiam in assere posita pendente in choro sororum sancte Barbare in Haga Comitit in opposito altaris sancte Crucis.

Further liturgical interest is shown in the note (f^o. dd⁶ v^o) :

viii Iulii aliqui legunt historiam sancte Barbare translationis, quam ad longum inuenies in breuiario meo maiori.

On f^o. B⁸ v^o. he copies the exclamation with which Christ was welcomed by the spirits to be released from Hell ; and on f^o. II v^o., at the end, the psalm of David when he fought with Goliath, ' Pusillus eram ', &c. On f^o. II at the end is a partly erased inscription which I have not been able to decipher.

P. S. ALLEN.

Roads in England and Wales in 1603

A MANUSCRIPT volume in the possession of the Warden of Keble College, Oxford, gives at the end ' the high wayes from any notable towne in England to the Cietie of London '. Its compiler ended his task with the accession to the throne of James I, since in a list of the kings and queens of England the last two entries run :

Elizabē

queene of England begane her raigne the 17 day of Nouember in the year of our lorde 1558 to the ioy of all christian hartes : and was buried at when she had raigned yeare and in the yeare 1561 the towne of newhauen¹ was delivered in to the queenes hands.

¹ Le Havre.

James

the first kynge of England Scotland france and Ireland was proclaimed at the age of 36 yeares the 24 of marche : 1602 : blesse his raigne Lorde wythe true religion peace and number of yeares to him and his posterity for ever and ever a men.

The volume may then be assigned probably to the early part of the year 1603, since there are blank spaces for the date and place of the queen's funeral on 28 April, while there is no mention of the king's coronation on 25 July.²

The itinerary is therefore nearly three-quarters of a century earlier than John Ogilby's road-book, the *Britannia*, which was published in 1675 and gave an elaborate scheme of eighty-five roads. Our manuscript has simply a list of seventeen highways to London and approximates more closely to two lists of roads compiled in the previous century, namely, 'Of our Innes and Thorowfares', by William Harrison in Holinshed, and 'the high waies from any notable towne in England to the Cittie of London and lykewise from one notable town to another', by William Smith in his *Particular Description of England*, dated 1588.³

A comparison of the three shows that they have ten roads in common, with slight variations in stages and mileage. These are :

| | | |
|--------------------------------------|---|------------|
| Berwick | } | to London. |
| Cockermouth or Carlisle ⁴ | | |
| St. Davids | | |
| Carnarvon | | |
| S. Burian | | |
| Bristol | | |
| Cambridge ⁵ | | |
| Dover | | |
| Rye | | |
| Walsingham | | |

Harrison ⁶ has no roads to London other than these,⁷ but the

² In a list of the mayors of London the last entry is '1602 John garrad haberdasher'.

³ First printed in 1879.

⁴ Cockermouth in manuscript and Harrison ; Carlisle in Smith.

⁵ In Harrison London to Cambridge, with an alternative route by Saffron Walden.

⁶ The manuscript, Harrison, and Smith all precede their lists of roads by lists of the principal fairs held in England, all three differing considerably one from the other.

⁷ In a paper read at a meeting of the Cambridge Antiquarian Society, 6 December 1909, Sir George Fordham drew attention to an itinerary of the sixteenth century, *Le Guide des Chemins d'Angleterre*, compiled by Jean Bernard 'secretaire de la chambre du Roy', and printed and published by 'Gervais Mallot, marchand, Libraire Juré en l'Université de Paris', July 1578. His roads are nine of the above ten, the omission being the road to Cambridge.

manuscript has seven and William Smith nine additional roads, as follows :

MS. AND WILLIAM SMITH

| | | |
|--|---|------------|
| Lincoln | } | to London. |
| Boston | | |
| Oxford ⁸ | | |
| Yarmouth to Ipswich and Colchester and | | |
| Yarmouth to Norwich and | | |

MS. ONLY

| | | |
|--|---|------------|
| Carmarthen to Worcester ⁹ and | } | to London. |
| Nottingham | | |

WILLIAM SMITH ONLY

| | | |
|------------------------|---|------------|
| Worcester ⁹ | } | to London. |
| Exeter ¹⁰ | | |
| Southampton | | |
| Shrewsbury | | |

In addition to the roads to London Harrison gives two ¹¹ and Smith eighteen ¹² cross-country roads, but none are mentioned in the manuscript.

In 1675 John Ogilby in his great road-book divided the roads of England into 14 direct independent roads to London, 19 direct dependent roads to London, 32 cross principal roads, and 20 cross accidental roads. He also gave a double set of distances from each town to the next, the first being the vulgar computed distance, the second the measured distance. The first is, with slight variations, the mileage of our manuscript, Harrison, and Smith. The second differs from it considerably, the figures being almost invariably much higher, as may be seen by the following comparison of the total mileage of five roads in the four itineraries.¹³

⁸ In manuscript Oxford—Whittlebrydge 5—Tetsworth 5—Stokenchurch 5—Uxbridge 17—London 15. In William Smith Oxford—Tetsworth 10—Wickam 10—Beconsfeld 5—Uxbridge 7—London 15. ⁹ Identical Worcester to London.

¹⁰ By way of Burport, Dorchester, Blandford to Salisbury; an alternative to the S. Burian road. ¹¹ Dover to Cambridge, and Canterbury to Oxford.

¹² These are: (1) Totnes to Exeter; (2) Plymouth to Exeter; (3) Dartmouth to Exeter; (4) Exeter to Barnstaple; (5) Exeter to Bristol; (6) Southampton to Helford by the coast; (7) Southampton to Bristol; (8) Barnstaple to Bristol; (9) Bristol to Oxford; (10) Bristol to Shrewsbury; (11) Bristol to Shrewsbury and Chester by Gloucester, Worcester, and Bridgenorth; (12) Bristol to Cambridge; (13) York to Nottingham; (14) York to Cambridge; (15) York to Chester; (16) York to Shrewsbury; (17) Coventry to Oxford; (18) Coventry to Cambridge.

¹³ Mr. Herbert Joyce in his *History of the Post Office* points out that the difference between the computed and the measured mileage led to difficulties towards the middle of the eighteenth century; distances were then measured and milestones erected along the principal roads. The postmasters, who had hitherto charged travellers riding post according to the computed, now began to charge according to the actual, distance. The king's messengers fought hard against the innovation but without success. The carriage of the mails on the other hand continued for many years to be paid for according to the computed mileage. The time allowance for the

| | MS. | HARRISON. | SMITH. | OGILBY. | |
|---------------------|-----|-----------|--------|-----------|-----------|
| | | | | <i>c.</i> | <i>m.</i> |
| York to London | 149 | 150 | 151 | 150 | 192 |
| Dover to London | 55 | 55 | 55 | 55 | 71' 4 |
| Rye to London | 48 | — | 48 | 46 | 64 |
| Bristol to London | 97 | 97 | 97 | 94 | 115' 2 |
| S. Burian to London | 227 | 246 | 237 | 235 | 296 |

GLADYS SCOTT THOMSON.

THE HIGH WAYES FROM ANY NOTABLE TOWNE IN ENGLAND TO THE CIETIE OF LONDON.

From Barwycke¹ to Yorke and so to London.

from Barwycke to Belford
 from Belford to Anwick
 from Anwick to Morpit
 from Morpit to Newcastel
 from Newcastel to Durham
 from Durham to Darington
 from Darington to Northalerton
 from Northalerton to Topclife
 from Topclife to Yorke.²

From Yorke to London.³

from Yorke to Tadcaster 7 myle
 from Tadcaster to Wentbridg 12 myle
 from Wentbridg to Doncaster 7 myle

mails was seven miles an hour in summer and five miles an hour in winter (*Early Posts in England*, by the late Mr. J. A. J. Housden, *ante*, vol. xviii. 716, 1903). Postal endorsements on letters at the end of the sixteenth and beginning of the seventeenth centuries show that on such roads as the Dover and Bristol roads to London this was often attained or nearly attained. On others, more particularly those from the west, but also even on the Chester and Berwick roads, where there was a regular post to the court, there were constant complaints of slowness and delays. The following endorsements are taken from letters addressed to Sir Robert Cecil (Hist. MSS. Comm., *Hatfield MSS.*):

(i) Dover to London. From Sir Thomas Fane, 24 April 1597. Dover, 24 April, 1 afternoon, Canterbury 4 afternoon, Sittingbourne past 7 night, Rochester the 24th 9 night, Dartford 12 night, London 1 in the morning.

(ii) Bristol to Hounslow. From the Mayor of Bristol, 1 Oct. 1602. Bristol 1 Oct. 6 morning, Marshfield 8.30 morning, Calne 11.30 morning, Marlboro' 2 of the clock, Newbury past 5 of the clock, Reading 9 of the clock 1st Oct., Hounslow 3 in the night 1st Oct.

(iii) Chester to Barnet. Mayor of Chester to Lords of the Council, March 1598/9. Chester, 23 March, 6 evening, Nantwich 9 night, Stone 1 past midnight, Lichfield 5 morning, Cosell betwixt 7 and 8, Coventry after 10 morning, Daventry past 1 afternoon, Towcester past 3 afternoon, Brickhill 6 afternoon, St. Albans 10 night, Barnet 12 night.

¹ Almost all the proper names are written in the manuscript without capital initials.

² The mileage here omitted is supplied by William Smith. Belford 12—Alnwick 12—Morpeth 12—Newcastle 12—Durham 12—Darlinton 13—Northallerton 14—Topcliffe 7—York 16.

³ The road London—York—Berwick is given by Ogilby with exactly the same stages as a direct independent road. Mileage—computed 260, measured 339' 2.

| | |
|-----------------------------|---------|
| from Doncaster to Tuxforde | 18 myle |
| from Tuxford to Newmarke | 10 myle |
| from Newmarke to Grantham | 10 myle |
| from Grantham to Stamforde | 16 myle |
| from Stamford to Stilton | 12 myle |
| from Stilton to Hungtingdon | 9 myle |
| from Hungtingdon to Roiston | 15 myle |
| from Royston to Ware | 13 myle |
| from Ware to Waltham | 8 myle |
| from Waltham to London | 12 myle |

From Yorke to London 149 myle.

*From Cokermouth to Lancaster and so to London.*⁴

| | |
|-----------------------------|---------|
| from Cokermouth to Kyswyck | 6 myle |
| from Kyswick to Grocenner | 8 myle |
| from Grocener to Kendale | 14 myle |
| from Kendale to Burton | 7 myle |
| from Burton to Lancaster | 7 myle |
| from Lancaster to Preston | 20 myle |
| from Preston to Wygan | 14 myle |
| from Wygan to Warington | 12 myle |
| from Warington to Newcastle | 20 myle |
| from Newcastle to Lychfeeld | 20 myle |
| from Lychfeeld to Coventr | 20 myle |

and so to London as in way from Coventr

From Cokermouth to Lancaster and so to London are 148 myle.

*From Sainte Davids to Glocester and so to London.*⁵

| | |
|-------------------------------|---------|
| from Saint Davids to Axfordes | 12 myle |
| from Axford to Carmardin | 24 myle |
| from Carmardin to Newton | 12 myle |
| from Newton to Lanburi | 10 myle |
| from Lanbury to Brecknock | 16 myle |
| from Brecknock to Hay | 10 myle |
| from Hay to Harford | 14 myle |
| from Harford to Roso | 11 myle |
| from Roso to Glocester | 12 myle |
| from Glocester to Cicester | 13 myle |
| from Cicester to Farington | 12 myle |
| from Farington to Abington | 10 myle |
| from Abington to Dorchester | 5 myle |

⁴ Ogilby has London-Carlisle as a direct dependent road commencing at Darlaston Bridge in the Holyhead Road. Between Kendal and Carlisle it goes by Penrith and Hesketh, instead of by Grasmere and Keswick. Mileage—Carlisle-London, computed 235, measured 301' 2.

⁵ Ogilby gives this as a direct independent road, but the roads are only identical between London and Gloucester. Between that town and St. Davids, Ogilby's road is—Michel Dean-Coleford-Monmouth-Newport-Cardiff-Aberavon-Swansea-Llanellthy-Llanffaffon-Haverford West.

| | |
|-----------------------------|---------|
| from Dorchester to Henly | 12 myle |
| from Henly to Maidenhead | 7 myle |
| from Maidenhead to Colbroke | 7 myle |
| from Colbroke to Hounslow | 5 myle |
| from Hounslow to London | 10 myle |

From Saynte Davids to Gloucester and so to London is 202 myle.

*From Carmarthen to Worcester and so to London.*⁶

| | |
|---------------------------------|---------|
| from Carmarthen to Laundouery | 20 myle |
| from Laundouery to Belthe | 14 myle |
| from Belthe to Preston | 12 myle |
| from Preston to Worcester | 26 myle |
| from Euesham to Chipping Norton | 13 myle |
| from Chipping Norton to Islip | 12 myle |
| from Islip to Wickam | 20 myle |
| from Wickham to Beconsfeeld | 5 myle |
| from Beconsfeeld to Uxbridge | 7 myle |
| from Uxbridg to London | 15 myle |

From Carmarthen to Worcester and so to London is 155 myle.

*From Carnarvon to Chester and so to Couentry and to London.*⁷

| | |
|-----------------------------------|---------|
| from Carnarvon to Conway | 24 myle |
| from Conway to Denbigh | 11 myle |
| from Denbigh to Flynte | 12 myle |
| from Flynte to Chester | 10 myle |
| from Chester to Wyche | 15 myle |
| from Wyche to Stone | 15 myle |
| from Stone to Ychfeelde | 16 myle |
| from Ychfeelde to Colesyl | 12 myle |
| from Colysyl to Coventry | 8 myle |
| from Coventry to Deyntry | 14 myle |
| from Deyntry to Tochester | 10 myle |
| from Tocester to Stony Stratford | 6 myle |
| from Stony Stratford to Brickhill | 7 myle |
| from Brickhill to Dunstable | 7 myle |
| from Dunstable to Saint Albones | 10 myle |
| from Saint Albones to Barnet | 10 myle |
| from Barnet to London | 10 myle |

From Carnarvon to Chester and to Couentry and so to London is 197 myle.

*From Saint Burien in Cornewall to Excetter*⁸ *and so to London.*

| | |
|--------------------------------|---------|
| from Saint Burien to the Mount | 10 myle |
| from the Mount to Truro | 12 myle |

⁶ Not in Ogilby, who gives London to Worcester in the Aberystwith road: as above to Islip, thence Enston, Morton-in-the-Marsh, Broadway, Pershore.

⁷ Not in Ogilby, who gives London to Holyhead as a direct independent road: as above to Denbigh, thence by Beaumaris to Holyhead.

⁸ Ogilby gives a direct independent road between Land's End and London. The route to Exeter is Senan-St. Burian-Looe-Fowey-Plymouth-Ashburton-Exeter.

| | |
|---------------------------------|---------|
| from Truro to Bodmin | 12 myle |
| from Bodmin to Launstone | 20 myle |
| from Launstone to Okhamton | 15 myle |
| from Okhamton to Crockhornewell | 10 myle |
| from Crockhornewell to Excester | 10 myle |
| from Excester to Honyton | 12 myle |
| from Honyton to Charde | 10 myle |
| from Charde to Crockhorne | 6 myle |
| from Crockhorne to Sherborne | 10 myle |
| from Sherborne to Shaftesburye | 12 myle |
| from Shaftsbury to Salisbury | 18 myle |
| from Salisbury to Andeuer | 15 myle |
| from Andever to Basingstoke | 16 myle |
| from Basingstoke to Hartlerow | 8 myle |
| from Hartlerow to Bagshot | 8 myle |
| from Bagshot to Stanes | 8 myle |
| from Stanes to London | 15 myle |

From Saint Buriën in Cornewall to London is 227 myle.

*From Bristowe to London.*⁹

| | |
|--------------------------------|---------|
| from Bristow to Maxfeeld | 10 myle |
| from Maxfeeld to Chipnam | 10 myle |
| from Chipnam to Marleborowe | 15 myle |
| from Marleborowe to Hungerford | 8 myle |
| from Hungerford to Newbery | 7 myle |
| from Newbery to Reading | 15 myle |
| from Reading to Maydenhead | 10 myle |
| from Maydenhead to Colbrooke | 7 myle |
| from Colbrooke to London | 15 myle |

From Bristowe to London is 97 myle.

*From Lincolne to London.*¹⁰

| | |
|---------------------------------|---------------|
| from Lincolne to Ancaster | |
| from Ancaster to Bitsfeeld | |
| from Bitsfeeld to Stamford | ¹¹ |
| from Stamford to Stilton | 12 myle |
| from Stilton to Huntingdon | 9 myle |
| from Huntingdon to Royston | 15 myle |
| from Huntingdon Royston to Ware | 13 myle |
| from Ware to Waltham | 8 myle |
| from Waltham to London | 12 myle |

*From Nottingham to Leicester and so to London.*¹²

| | |
|-------------------------------|--------|
| from Nottingham to Lugborough | 7 myle |
| from Lugborough to Leicester | 8 myle |

⁹ In Ogilby a direct independent road; distances—computed 94, measured 115' 2.

¹⁰ Cf. below, p. 241, n. 13.

¹¹ Smith gives the mileage: Lincoln to Ancaster 16, Bichfeld 8, Stamford 12; entire distance 105.

¹² Not in Ogilby, who gives London to Derby as a direct dependent road, commencing at Stony Stratford and going by way of Leicester and Loughborough.

| | |
|-------------------------------------|---------|
| from Leicester to Harborough | 12 myle |
| from Harborough to Northampton | 12 myle |
| from Northampton to Stony Stratford | 10 myle |
| from Stony Stratford to Brickhill | 7 myle |
| from Brickhill to Dunstable | 7 myle |
| from Dunstable to Saynt Aubones | 10 myle |
| from Saynte Albones to Barnet | 10 myle |
| from Barnet to London | 10 myle |

From Nottingham to Leicester and so to London is 93 myle.

*From Boston to London the way.*¹³

| | |
|----------------------------|---------|
| from Boston to Bourne | 22 myle |
| from Bourne to Stilton | 8 myle |
| from Stilton to Huntingdon | 9 myle |
| from Huntingdon to Royston | 15 myle |
| from Royston to Ware | 13 myle |
| from Ware to Waltham | 8 myle |
| from Waltham to London | 12 myle |

From Boston to Lyecester and to London is 97 myle.

*From Cambridg to London the way.*¹⁴

| | |
|-----------------------------|---------|
| from Cambridg to Slow | |
| from Slow to Barway | |
| from Barway to Pukrich | |
| from Pukrich to Ware in all | 25 myle |
| from Ware to Waltam | 8 myle |
| from Waltam to London | 12 myle |

From Cambridg to London is 45 myle.

*From Oxford to London.*¹⁵

| | |
|---------------------------------|---------|
| from Oxford to Whatlebrydge | 5 myle |
| from Whatlebridge to Tetswoorth | 5 myle |
| from Tetswoorth to Stokenchurch | 5 myle |
| from Stokenchurch to Uxbridg | 17 myle |
| from Uxbridge to London | 15 myle |

From Oxford to London is 47 myle.

*From Dover to London the way.*¹⁶

| | |
|--------------------------------|---------|
| from Dover to Canterbury | 12 myle |
| from Canterbur to Sittingburne | 12 myle |

¹³ Ogilby gives London to Boston as a direct dependent road, beginning at Stilton on the Berwick road, with an extension to Lincoln by way of Heckington and Sleaford.

¹⁴ Not in Ogilby. He gives, however, London to King's Lynn as a direct dependent road, beginning at Puckeridge on the Berwick road and going to Cambridge by Barkway and Fowlmere and thence to King's Lynn.

¹⁵ Ogilby gives London to Tetswoorth (computed 37, measured 44' 6) by way of Beaconsfield and High Wickham as part of the direct independent road from London to Aberystwith and says thence there is a branch to the city of Oxford (by Wheatley), in all 47 computed miles, 55' 6 measured.

¹⁶ In Ogilby a direct independent road; distances—55 computed, 71' 4 measured.

| | |
|--------------------------------|---------|
| from Sittingburne to Rochester | 8 myle |
| from Rochester to Gravesend | 5 myle |
| from Gravesend to Darford | 6 myle |
| from Darford to London | 12 myle |

From Dover to London is 55 myle.

*From Rye to London the way.*¹⁷

| | |
|---------------------------|---------|
| from Rye to Plymwell | 15 myle |
| from Plymwell to Tombridg | 11 myle |
| from Tonbridg to Chepstow | 7 myle |
| from Chepstow to London | 15 myle |

From Rye to London is 48 myle.

*From Yarmouth to Ipswyck and to Colchester to London.*¹⁸

| | |
|--------------------------------|---------|
| from Yarmouth to Lostoffe | 6 myle |
| from Lostoffe to Blibur | 10 myle |
| from Blibur to Snapbridg | 8 myle |
| from Snapbridg to Woodbridg | 8 myle |
| from Woodbridg to Ipswyck | 5 myle |
| from Ipswyck to Colchester | 12 myle |
| from Colchester to Esterfeeld | 13 myle |
| from Esterfeeld to Chelmsfoord | 10 myle |
| from Chelmsfoord to Brentwood | 10 myle |
| from Brentwood to London | 15 myle |

From Yarmouth to London is 97 myle.

*From Walsingham to London the way.*¹⁹

| | |
|---------------------------------|---------|
| from Walsingham to Peckham | 12 myle |
| from Peckham to Brandon Ferry | 15 myle |
| from Brandon Ferry to Newmarket | 14 myle |
| from Newmarket to Whitfordbridg | 10 myle |
| from Wytfordbridg to Barkway | 10 myle |
| from Barkway to Ware | 12 myle |
| from Ware to Waltham | 8 myle |
| from Waltham to London | 12 myle |

From Walsingham to London is 93 myle.

*From Yarmouth to Norwich and so to London.*²⁰

| | |
|------------------------------|---------|
| from Yarmouth to Ockell | 8 myle |
| from Ockell to Norwyck | 8 myle |
| from Norwich to Windam | |
| from Windam to Aceleiborough | 10 myle |

¹⁷ In Ogilby a direct independent road ; distances—46 computed, 64 measured.

¹⁸ Ogilby has London to Yarmouth as a direct dependent road, beginning at Colchester and going by Beccles and Haddiscoe instead of Lowestoft.

¹⁹ In Ogilby this is part of the direct dependent road from London to Wells in Norfolk, beginning at Newmarket and going by Walsingham.

²⁰ Not in Ogilby, who has London to Norwich as a direct dependent road beginning at Puckeridge and thence by Barkway as above.

| | |
|------------------------------------|---------|
| from Atilborough to Thetford | 10 myle |
| from Thetford to Icklyngham Sands | 6 myle |
| from Icklyngham Sands to Newmarket | 10 myle |
| from Newmarket to Wytfordbridg | 10 myle |
| from Wytfordbridg to Barkway | 10 myle |
| from Barkway to Ware | 12 myle |
| from Ware to Waltam | 8 myle |
| from Waltam to London | 12 myle |

From Yarmouth to Norwich and so to London is 104 myle.

*Provincial Priors and Vicars of the English Dominicans,
1221-1916*

THE first list of the Provincials of the English Dominicans was drawn up by the late Father Raymund Palmer, O.P., and published in the *Archaeological Journal*, vol. xxxv (1878). It took the shape of a biographical sketch, and the authorities chiefly relied on were the English State Papers and the Register of the Master-General. The latter document is preserved in Rome and is not yet published. In 1893 Mr. A. G. Little drew up a list which appeared in this Review, vol. viii. 519-25. It was not so complete as Father Palmer's list in the *Archaeological Journal*, which Mr. Little does not seem to have met with. He mentions, however, a list which was then just published by Father Palmer in the *Antiquary*, but this without references. Since these works appeared Father Benedict Reichert, O.P., has edited the *Acta Capitulum Generalium* (Rome, 1898).¹ This had already been done to some extent by the two Benedictines, Martene and Durand, in their great *Thesaurus Novus Anecdotorum*, vol. iv, Paris, 1717. Reichert's work is much more comprehensive, and he had the advantage of all the documents of the Dominican Order, still preserved in the various convents. The present list, therefore, has the advantage of Reichert's work, which has proved of immense value in arranging the dates for the various periods of office, and has also supplied a few names hitherto unknown.

WALTER GUMBLEY, O.P.

1221. *Gilbert de Fresney*. Sent by St. Dominic in 1221 to found the English Province, of which he became the first Provincial.

(*Acta* i. 2; Nicholas Trivet, O.P., *Annales*, ed. Hog, 1845, p. 209.)

c. 1235. *Alard*, D.D.² As Provincial he received a letter from Bishop

¹ Cited hereafter as *Acta*.

² The abbreviation 'D.D.' in this paper stands for the title 'Magister in Sacra Theologia', which has always been maintained by the Dominican Order. Similarly B.D. is used for S.T.B. A title peculiar to the Dominican and a few other Orders is

Robert Grosseteste in 1235. He was formerly Chancellor of Oxford in 1215.

(*Epistolae R. Grosseteste*, ed. Luard, pp. 59-63; Wood's *Athen. Oxon.* ii. 388.)

c. 1242-54. *Mathew*.³ In 1242, when Provincial, he received a letter from Grosseteste. He was absolved from office by the General Chapter of the Order assembled at Buda in 1254.⁴

(*Epist. R. Grosseteste*, pp. 304, 305; *Acta* i. 71.)

1254-61. *Simon*, D.D. Elected in 1254, and absolved from office by the General Chapter held at Barcelona in 1261, because he had refused to receive foreign students at Oxford.

(*Acta* i. 110, 111, 117.)

1261-79. *Robert of Kilwardby*, D.D. Elected in 1261. Released from office in May 1272, but re-elected in September. Appointed Archbishop of Canterbury by Gregory X, Nov. 1272. Created Cardinal Bishop of Porto 1279. Died at Viterbo, Sept. 11, 1279. Buried in the Church of S. Maria ad Gradus.

(*Acta* i. 156, 165; Trivet, p. 278.)

1273-8. *William of Southampton*, D.D. Elected in 1273. Died in Dec. 1278.

(Patent Roll, 6 Edw. I, m. 11; 'Provincials of Blackfriars,' by C. F. R. Palmer, O.P., *Archaeol. Journ.* xxxv. 1878. Reprint, p. 7.)

1279-82. *Hugh of Manchester*, D.D. Elected in 1279, and released by chapter of Vienna 1282. He was ambassador to France in 1294, and still living in 1305.

(Trivet, pp. 302, 303; Patent Roll, 10 Edw. I, m. 10; *Acta* i. 220; Langtoft, *Chron.* ii. 205, 207.)

1282-7. *William of Hotham*, D.D. Elected in 1282. Released from office and sent to teach at Paris 1287.

(*Acta* i. 242.)

1287-90. *William of Hereford*. Elected in 1287. Died in 1290.

(*Acta* i. 265; Patent Roll, 18 Edw. I, m. 18; *Littera Encyclica Mag. Gen.*, ed. Reichert, Rome, 1900, pp. 150, 155.)

1290-6. *William of Hotham*, D.D. Re-elected Sept. 8, 1290. He was the favourite minister of Edward I, and in 1296 became Archbishop of Dublin. Died at Dijon, Aug. 27, 1299, and buried in Blackfriars Church, London.

(Trivet, p. 364; *Dict. of National Biography*, s. v.)

that of 'Lector in Sacra Theologia'. This is the first degree, and is obtained after a seven years' course of philosophy and theology. The degree of Bachelor is conferred after seven years of teaching in a theological university, and the Mastership after a further course of seven years.

³ A certain Henry, afterwards bishop of Culm, in the lands of the Teutonic Order, is said to have been English Provincial about 1240; but this is due to an error first made by Frederic Shembek, S.J., who published a book on the Saints of Prussia, at Thorn, in 1638.

⁴ During the first centuries of the Order's existence the Provincials seem to have had no fixed term of office, but continued until released from their charge either by the Master-General or the General Chapter.

- 1297-1304. *Thomas de Jorz*, D.D. Elected at Oxford in 1297. Absolved from office, 1304. Created Cardinal Priest of Sta Sabina, Dec. 1305. Papal legate to Italy in 1310. Died at Grenoble, Dec. 13, 1310, and buried at Blackfriars, Oxford.
(Trivet, p. 406; *Acta* i. 322; *Dict. of Nat. Biogr.*, s. v.)
- 1304-6. *Robert of Bromyard*, D.D. Elected in 1304. Released from office by chapter of Paris in 1306. Living in 1310.
(*Acta* ii. 19; Patent Roll, 33 Edw. I, par. 2, m. 15.)
- 1306-12. *Nicholas of Stretton*, D.D. Elected in 1306. Released by chapter of Carcassone in 1312, and sent to teach at Paris. Still living in 1325.
(*Acta* ii. 60; Patent Roll, 30 Edw. I, m. 28; Palmer, pp. 15, 16.)
- 1312-15. *William of Castreton*, D.D. Appointed by the Master-General in 1312. Absolved from office by chapter of Bologna, 1315.
(Palmer, p. 16, 'Ex tabulario Mag. Gen.'; *Acta* ii. 84.)
- 1315-17. . . . The name of the friar who was elected Provincial in 1315 is still unknown. He was released from office by the chapter of Pampeluna in 1317.
(*Acta* ii. 103.)
- 1317-27. *John of Bristol*, D.D. Elected in 1317. Absolved from office by the chapter of Perpignan in 1327.
(Palmer, pp. 17, 18, 'Ex tab. Mag. Gen.'; *Acta* ii. 171.)
- 1327-36. *Simon de Bolaston*, D.D. Elected in 1327. Absolved by the chapter of Bruges, 1336. He was implicated in the conspiracy of the Earl of Kent in 1330, and condemned to perpetual imprisonment, but regained the royal favour.
(Palmer, p. 18; Wilkins, *Concilia*, ii. 556; *Acta* ii. 240.)
1336. *William de Watisdene*, D.D. Appointed Vicar-General of England by the chapter of Bruges, 1336.
(*Acta* ii. 241-2.)
- 1336-9. *Richard of Winkley*, D.D. Elected in 1336. Released from office by the chapter of Clermont in 1339. He was confessor to Edward III, who strongly protested against his deposition. He was living in 1347.
(Palmer, pp. 18-20; Close Rolls, 14 Edw. III, m. 27 d.; *Acta* ii. 254.)
1339. *Hugh Dutton*, D.D. Appointed Vicar-General by the chapter of Clermont in 1339. Elected Provincial the same or the following year.
(*Acta* ii. 258; Palmer, p. 21, 'Ex tab. Mag. Gen.')
- c. 1360. *Simon of Hinton*, D.D., is said to have been Provincial about this period.
(Quetif and Echard, *Scriptores Ord. Praed.* i. 648; *Dict. of Nat. Biogr.*, s. v.)
- Before 1364. *Nicholas of Monington*, D.D., who was living in 1365, was at one time Provincial.
(Palmer, *Guildford Obits*, in *Reliquary*, Jan. 1887, p. 15.)

1364. *Robert Pynke* was mentioned as Provincial in a letter from the Mayor of London to Pope Urban V in 1364.
(Palmer, quoting from Muniments of the Guildhall, MSS. P. iii B. 6856, A. 266.)
- ?-1370. *William de Bodekisham*, D.D., presumably succeeded Pynke, for he was absolved from office in 1370 by chapter of Valencia.
(*Acta* ii. 416; Patent Roll, 44 Edw. III, p. 1, m. 14 d.)
1370. *William Andrew*, D.D., was appointed Vicar-General by the chapter of Valencia 1370. In 1374 he became Bishop of Achonry, and of Meath in 1380. He died Sept. 28, 1385.
(*Acta* ii. 416; Palmer, *Guildford Obits*, p. 13.)
- c. 1374-8. *Thomas Rushook*, D.D., formerly prior of the convent of Hereford, appears as Provincial in 1374. In 1378 he was removed by the Master-General.
(*Acta* ii. 450-2; Palmer, pp. 21-3.)
1378. *John Paris*, *John Empsay*, *Thomas Nortebe*, and *William Siward*, all Doctors in Divinity, were appointed Vicars successively on the removal of Rushook from the Provincialship.
(*Cal. of Entries in Papal Registers*, v. 14; *Acta*, *ibid.*)
- 1379-82. *Thomas Rushook*, D.D., was reinstated in office by Pope Urban VI in 1379. He resigned in 1382 in order to accept the Archdeaconry of St. Asaph. He became successively Bishop of Llandaff 1383 and of Chichester 1385. In 1388 he was impeached for high treason by the Parliament and exiled to Ireland. He became Bishop of Kilmore, and died about 1390. He was buried at Seal in Kent.
(*Cal. of Papal Reg.*, *ibid.*; *Dict. of Nat. Biogr.*, s. v.)
- 1383-93. *William Siward*, D.D., one of the Vicars appointed in 1378, was elected Provincial in 1383. He was released from office by the Master-General in 1393. He was confessor to Edward III, and was living in 1396.
(Palmer, p. 24, 'Ex tab. Mag. Gen.'; Patent Roll, 50 Edw. III, par. 2, m. 11.)
1393. *Robert Humbleton*, D.D., was appointed Vicar-General by the Master-General, 1393.
(Palmer, p. 24, 'Ex tab. Mag. Gen.')
- 1393-6. *Thomas Palmer*, D.D. Elected in 1393. Absolved from office by the Master-General in 1396. Living in 1412.
(Palmer, p. 25, 'Ex tab. Mag. Gen.'; *Dict. of Nat. Biogr.*, s. v.)
- 1396-7. *William Bagthorpe*, D.D., Prior of Lynn, was appointed Vicar-General by the Master in 1396, till the election of the new Provincial.
(Palmer, p. 25, 'Ex tab. Mag. Ord.')
1397. *William Pikworth*, D.D. Elected at Newcastle-on-Tyne, Aug. 15, 1397. He was still Provincial in 1403.
(Palmer, p. 26, 'Ex tab. Mag. Gen.'; *Bullarium Ord. Praed.* ii. 367; *Rot. Parliam.* iii. 502.)

- c. 1410. *John of Lancaster*,⁵ D.D., is mentioned as Provincial in Aug. 1410. (Palmer, 26, quoting *Reg. Edm. Stafford, Episc. Exon.* i. 101.)
- c. 1422. *John of Redesdale*, D.D., is mentioned as Provincial Feb. 7, 1422, when he admitted Richard of Burton, Prior of the Charterhouse of Beauvale, Notts., to the graces of the order. (Palmer, MSS. v. 5204, quoting Court of Augmentations, Cart. B. 96, now in the Public Record Office.)
1427. *John Rokill*, D.D. Appointed Vicar-General by the Master in 1427, and elected Provincial the same or the following year. Living in 1448, when he was Prior of London. (Palmer, p. 27, 'Ex tab. Mag. Gen.'; Issue Roll, Mich. 27 Hen. VI, m. 7.)
- c. 1438. *Philip Boydon*, D.D., as Provincial attended the convocation of prelates at St. Paul's in April 1438. (Wilkins, *Concilia*, iii. 530.)
- c. 1459. *Walter Wynhale*, D.D., attended as Provincial the General Chapter of Nimeguen, 1459. He had been Prior of Oxford in 1427. (*Acta* iii. 268; *Munim. Academ. Oxon.*, Rolls Ser., p. 570.)
- c. 1465-73. *William Edmundson*, D.D., was Provincial about 1465. He ceased from office in 1473, and died before 1478. (Palmer, p. 28, quoting Issue Roll, Pasch., 6 Edw. IV, m. 2; *Acta* iii. 268.)
- 1473-83. *John Pain*, D.D. Elected in 1473. Appointed Bishop of Meath in 1383. He was Master of the Rolls in Ireland, and died May 6, 1506. Buried in the Dominican convent of St. Saviour, Dublin. (Palmer, p. 29, 'Ex tab. Mag. Gen.'; *Bull. O. Praed.* iii. 648; *Dict. of Nat. Biogr.*, s. v.)
- 1483-95. *William Richford*, D.D. Elected in 1483. Implicated in Stanley's conspiracy and condemned to death, but pardoned 1495. He died in 1501. (Palmer, p. 29, 'Ex tab. Mag. Gen.'; *Guildford Obits*, p. 15; *Baker's Chronicle*, ed. Philips, 1660, 242; *Acta* iii. 374.)
- 1495-1501. *William Beeth*, D.D. Succeeded Richford in 1495, and ruled the province till 1501. (Palmer, pp. 29, 30, 'Ex tab. Mag. Gen.'; *Dodd's Church History*, ed. Brussels, 1737, vol. i, 234.)
- 1501-5. *Nicholas Stremer*, D.D. Instituted Provincial by the Master-General, June 2, 1501. (*Guildford Obits*, p. 15.)
1505. *Robert Felmingham*, D.D. Elected in 1505. (Palmer, p. 30, 'Ex tab. Mag. Ord.')
- c. 1527. *Robert Miles*, D.D., Prior of King's Langley, was at the same time Provincial. He is mentioned as such in 1522 and 1527. A book

⁵ John Paris, D.D., constituted Vicar-General in 1378, was continued in office during the Great Schism by the Master-General of the Avignon Obedience; and in 1388 the same General declared John of Lancaster, D.D., to be the true English Provincial. The English Dominicans as a body adhered to the Roman Pontiff, and Paris and Lancaster both submitted (*Acta* ii. 3, 40).

of prayers or Collectarium is still preserved which bears his name as Provincial at Woodchester Priory, Gloucestershire.

(Palmer, p. 30, 'Ex tab. Mag. Gen.')

- 1527-34. *John Hodgkin*, D.D. Elected in 1527. Deposed by Henry VIII in 1534, but reinstated 1536.⁶ He was consecrated Suffragan Bishop of Bedford in 1537, and lived till 1560.

(Palmer, pp. 30-3, 'Ex tab. Mag. Gen.'; Stubbs, *Registr. Sacr. Angl.*, ed. 1897, p. 101.)

- 1555-8. *William Perin*, D.D., was appointed Vicar-General in 1555, and also Prior of the Dominicans who were established by Queen Mary in St. Bartholomew's in Smithfield. Died Aug. 22, 1558, and buried in the church.

(Palmer, *Blackfriars of London, Merry England*, Sept. 1889, p. 360; *Dict. of Nat. Biogr.*, s. v.)

- 1558-66. *Richard Hargrave*, D.D., succeeded Perin in 1558, but was driven into exile under Elizabeth. He died in Flanders, 1566.

(Palmer, *ibid.*, pp. 361-3.)

- c. 1579. *Thomas Heskins*, D.D., appears as Vicar-General about 1579, for Fulke, in reply to Heskins's *Parliament of Christ*, calls him Provincial or General of the English Dominicans.

(Fulke, *Heskins's Parliament repealed*, p. 393, ed. 1579; *Dict. of Nat. Biogr.*, s. v.)

It is not certain that there were any Vicars between the death of Heskins and 1622.

- 1622-55. *Thomas Middleton*, alias *Dade*, B.D., was appointed Vicar General in 1622. He resigned in 1655. For many years he was a prisoner for the faith, first in the Clink and then in Newgate. Died in London, May 18, 1662.

(Palmer, *Obituary of the English Dominicans*, ed. 1884, p. 2.)

- 1655-61. *George Catchmay*, D.D. Appointed Vicar-General, Nov. 13, 1655, and resigned in 1661. Died at Bornhem in Flanders, July 12, 1669.

(Palmer, *ibid.*, p. 2.)

- 1661-75. *Philip Thomas Howard*, D.D. Appointed in 1661. Created Cardinal Priest, May 27, 1675. Cardinal Protector of England and Scotland, 1684. Died at Rome, June 17, 1694, and buried in his titular church, S. Maria sopra Minerva.

(Palmer, *Life of Cardinal Howard*, ed. 1868.)

- 1675-87. *Vincent Torre*, D.D. Appointed Vicar-General in 1675. In 1685 appointed Provincial. Died in office at Bornhem, Aug. 24, 1687. His successors held the title of Provincial.

(Palmer, *Obit.*, p. 4.)

- 1687-8. *Dominic Gwillim* (or *Williams*), B.D. Appointed 1687. Died Sept. 11, 1688.

(Palmer, *ibid.*, p. 4.)

⁶ John Hilsey, D.D., prior of Bristol, and later bishop of Rochester, was appointed by Henry VIII in 1534; but as this was not confirmed by the Master-General, he cannot, according to the laws of the Order, be considered true Provincial (*Letters and Papers, Foreign and Domestic, Henry VIII*, vol. vii, no. 530; *Dict. of Nat. Biogr.*, s. v.).

- 1688-94. *Thomas White*, D.D. Appointed Nov. 13, 1688. Died in office at Rome, Nov. 19, 1694.
(Palmer, *ibid.*, p. 5.)
- 1694-5. *William Collins*, D.D. Vicar-General from Dec. to March.
(Palmer, *ibid.*, p. 6.)
- 1695-7. *Edward Bing*, Preacher-General.⁷ Appointed March 8, 1695. Resigned 1697. Died at Bornhem, Sept. 25, 1701.
(Palmer, *ibid.*, p. 7.)
- 1698-1708. *Ambrose Grymes* or *Graham*, D.D. Appointed Vicar-General 1698 and Provincial 1700.⁸ Reappointed 1704-8. Died at Louvain, Feb. 18, 1719.
(Palmer, *ibid.*, p. 9.)
- 1708-12. *Thomas Worthington*, Lector in Sacred Theology. Appointed 1708. Retired from office in 1712. He served three more terms as Provincial.
- 1712-16. *Thomas Dominic Williams*, Lector in S. Theology. Appointed Feb. 28, 1712.
- 1716-21. *Raymond Greene*, D.D. Appointed April 2, 1716, and held office till 1721. Died at Louvain, July 28, 1741.
(Palmer, *ibid.*, p. 12.)
- 1721-5. *Joseph Hansbie*, Lector in S. Theology. Appointed June 20, 1721.
1725. *Thomas Dominic Williams*, D.D. Appointed a second time, July 12, 1725. Consecrated Bishop of Tiberiopolis by Pope Benedict XIII, O.P., Dec. 30. Nominated Vicar Apostolic of Northern District of England, June 7, 1727. Died Apr. 3, 1740, and buried at Hazelwood, Yorks.
(Palmer, 'A consecrated life,' from MS. of Fr. Thomas Worthington, in *Merry England*, Nov. and Dec. 1887; *Dict. of Nat. Biogr.*, s. v.)
- 1726-30. *Thomas Worthington*, D.D. Reappointed Jan. 4, 1726.
- 1730-4. *Ambrose Burgis*, D.D. Elected Provincial by the Chapter of the Province assembled at London, April 23, 1730. Hitherto the appointment had lain with the Master-General.
- 1734-8. *Joseph Hansbie*, D.D. Elected for a second term, May 4, 1734.
- 1738-42. *Albert Lovett*, Preacher-General. Elected April 24, 1738. Retired from office March 17, 1742, and died at London June 1.
(Palmer, *Obit.*, pp. 12, 13.)
- 1742-6. *Thomas Worthington*, D.D. Elected for a third term, May 10, 1742.
- 1746-7. *Ambrose Burgis*, D.D. Appointed Vicar-General in 1746. Died in office, April 27, 1747.
(Palmer, *Obit.*, p. 13.)
- 1747-8. *Andrew Wynter*, Preacher-General. Appointed Vicar-General 1747 till the election of a Provincial the following year. Died at Louvain, March 19, 1754.
(Palmer, *Obit.*, p. 15.)

⁷ Preacher-General is a title conferred on those who have distinguished themselves in preaching. It dates from the thirteenth century.

⁸ The Provincials who succeeded Vincent Torre were appointed for a term of four years, for this was now the law in the Order.

- 1748-50. *Joseph Hansbie*, D.D. Elected for a third term, April 6, 1848. Died in office at London, June 5, 1750.
(Palmer, *Obit.*, pp. 13, 14.)
1750. *John Clarkson*, D.D. Appointed Vicar-General July 25, 1750.
- 1750-4. *Thomas Worthington*, D.D. Elected for a fourth term as Provincial, Sept. 26, 1750. Died in office, Feb. 25, 1754.
(Palmer, *Obit.*, pp. 14, 15.)
1754. *John Clarkson*, D.D. Appointed Vicar-General a second time, April 6, 1754.
- 1754-8. *Antoninus Hatton*. Elected Provincial May 21, 1754.
- 1758-62. *John Clarkson*, D.D. Elected May 5, 1758. Died at Brussels, March 26, 1763.
(Palmer, *Obit.*, p. 17.)
- 1762-5. *Stephen Catterell*, Preacher-General. Elected May 5, 1762. Died in office at Stonecroft, Northumberland, Dec. 25, 1765.
(Palmer, *Obit.*, p. 17.)
- 1766.⁹ *Benedict Short*. Elected April 26, 1766.
1770. *Antoninus Hatton*, D.D. Elected for a second term, May 7, 1770. Died at Stourton, Yorks., Oct. 23, 1783.
(Palmer, *Obit.*, p. 18.)
1774. *Joseph Edwards*, alias *Tylecote*, D.D. Elected April 25, 1774. Died at Hinckley, Leicestershire, Sept. 4, 1781.
(Palmer, *Obit.*, p. 18.)
1778. *Benedict Short*, D.D. Elected May 12, 1778, for the second time.
1782. *Peter Robson*, B.D. Elected April 24, 1782. Died Feb. 4, 1788.
(Palmer, *Obit.*, p. 19.)
1786. *Benedict Short*, D.D. Elected a third time, May 10, 1786.
1790. *Raymund Bullock*, Lector in S. Theology. Elected April 26, 1790.
1794. *Benedict Short*, D.D. Elected for a fourth term, May 13, 1794. Died May 30, 1800.
(Palmer, *Obit.*, pp. 20, 21.)
1798. *Raymund Bullock*, D.D. Elected for a second time, May 1, 1798. Died June 25, 1819.
(Palmer, *Obit.*, pp. 23, 24.)
1802. *Anthony Plunkett*, alias *Underhill*, D.D. Elected May 8, 1802. Died at York, Jan. 19, 1810.
(Palmer, *Obit.*, p. 22.)
1806. *Pius Potier*, D.D. Elected April 13, 1806. Re-elected April 13, 1808.
1810. *Francis Xavier Chappell*, D.D. Elected May 14, 1810. Died at Bornhem, March 24, 1825.
(Palmer, *Obit.*, p. 24.)
1814. *Lewis Brittain*, D.D. Elected May 3, 1814. Died at Hartbury Court, Gloucester, May 3, 1827.
(Palmer, *Obit.*, p. 25.)
1818. *Pius Potier*, D.D. Elected for third time, April 13, 1818. Died at Hinckley, Nov. 18, 1846.
(Palmer, *Obit.*, p. 27.)

⁹ In the remainder of this list, as the dates are continuous, the year of election only is given.

1822. *Ambrose Woods*, D.D. Elected Provincial April 30, 1822. Appointed Vicar-General May 17, 1826. Re-elected Provincial May 4, 1830. Died at Hinckley, Nov. 26, 1842.
(Palmer, *Obit.*, p. 26.)
1834. *Augustine Procter*. Elected April 22, 1834. Re-elected Sept. 4, 1838.
1842. *Thomas Nickolds*, Lector in S. Theology. Elected 1838.
1846. *Augustine Procter*, Preacher-General. Elected for a third term, May 4, 1846.
1850. *Dominic Aylward*. Appointed July 20, 1850.
1854. *Thomas Nickolds*, P.G., Lector in S. Theology. Re-elected 1854.
1858. *Augustine Procter*, P.G. Elected a fourth time, April 28, 1858. Died Jan. 8, 1867. Buried at Woodchester, Gloucestershire.
(Palmer, *Obit.*, pp. 28, 29.)
1862. *Thomas Nickolds*, D.D., P.G. Elected for a third term, 1866. Died at London, May 22, 1889. Buried at Woodchester.
(Acta Cap. Prov.)
1866. *Dominic Aylward*, D.D. Re-elected July 4, 1866. Died at Hinckley, Oct. 5, 1872. Buried at Woodchester.
(Palmer, *Obit.*, p. 30.)
1870. *Vincent King*, D.D. Elected 1870. Re-elected 1874 and 1878. Appointed Bishop of Juliopolis and Coadjutor of the Archbishop of Trinidad 1885. Died Feb. 26, 1886, at Louvain. Buried at Woodchester.
(Acta Cap. Prov.)
1882. *Antoninus Williams*. Elected June 19, 1882. Died April 9, 1901. Buried at Woodchester.
(Acta Cap. Prov.)
1886. *Gregory Kelly*, D.D. Elected May 18, 1886. Re-elected April 29, 1890. Died at Hinckley, April 10, 1913. Buried at Hawkesyard Priory, Staffs.
(Acta Cap. Prov.)
1894. *John Procter*, Lector in S. Theology. Elected April 17, 1894. Re-elected June 21, 1898.
1902. *Lawrence Shapcote*, Lector in S. Theology. Elected April 22, 1902. Re-elected May 8, 1906. Resigned 1907.
(Acta Cap. Prov.)
1907. *John Procter*, D.D. Elected a third time, Nov. 26, 1907. Died in office at London, Oct. 1, 1911. Buried at Woodchester.
(Acta Cap. Prov.)
1911. *Humbert Everest*, D.D. Elected Nov. 8, 1911.
(Acta Cap. Prov.)
1916. *Bede Jarrett*, M.A., Lector in S. Theology. Elected Sept. 5, 1916.

Reviews of Books

Contributions toward a History of Arabico-Gothic Culture. By LEO WIENER.
Vol. I. (New York: The Neale Publishing Company, 1917.)

IN the year 1915 Professor Wiener published a book (briefly noticed in this Review, xxxi. 174-5), in which he claimed to have demonstrated that the Gothic Bible was translated not in the fourth century, but, at the earliest, near the end of the eighth, and that most of the words which philologists have imagined to belong to the native Germanic vocabulary are really derived, with extraordinary changes in form and meaning, from Late Latin terms of law and designations of official rank. In his preface the author intimated that these wonderful discoveries were only a small part of the marvels that had been revealed by his researches; and he promised to show, in a future work, that the Gothic documents of Naples and Arezzo are forgeries, that Gothic and the other Germanic languages have more than two hundred words derived from Arabic, and that the whole system of Germanic mythology is of Arabian origin.

The volume now before us is the first instalment of the fulfilment of these magnificent promises. Of the two hundred 'Arabico-Gothic' etymologies only a few specimens are given—an appetizing foretaste of what is yet to come. Among the English words in common use (mostly found also in other Germanic languages) that are declared to be of Arabic origin are *acorn*, *iron*, *beam* (from *baggam*, sappan-wood), *sea* and its synonym *mere*, *brook*, *roof*, *oath*, *bold*, and the verbs *buy* and *sink*. *Hair*, a word common to all the Germanic languages except Gothic, is from the Arabic word that has been anglicized as *mohair*. The Gothic words for hair, *taql* and *skuft*, which occur with changed meaning in other Germanic tongues (the former is the English *tail*), are also from Arabic. Other English words, now obsolete or uncommon, for which an Arabic source has been discovered, are *thorp* (German *dorf*, a village, Old Norse *þorp*, a farm, a village, Gothic *þaurp*, ἀγρός), which is asserted to be the same word as *turf* and to come from the Arabic *turb*, earth, soil; the Anglo-Saxon *bæc*, a brook (Old High German *bah*, modern *bach*); and the Anglo-Saxon *denu*, a valley, surviving in the many place-names ending in *-den*. In deriving the Anglo-Saxon *séod*, a purse (Old Norse *sjóðr*) from *çaid*, 'what is taken, captured, a bag of game', the author seems to have been misled by a lexicographer who ventured to use *bag* in the modern sportsman's sense, never dreaming that any one would understand it as 'pouch'. There are a good many more of these marvellous discoveries in the book, but we forbear.

The received view with regard to the words above mentioned is that they represent prehistoric Germanic words which have undergone the regular divergent sound-changes which differentiated the original Germanic tongue into a number of separate languages. Professor Wiener is of another opinion. According to him the Spanish Visigoths, after A. D. 711, adopted a multitude of Arabic words, most of which somehow found their way from Visigothic into High and Low German, Anglo-Saxon, and Scandinavian. One would naturally inquire what mysterious attraction there can have been in these words, that most of them should have found acceptance alike in Germany, England, and the north, displacing the native synonyms—which from the nature of the meanings must have been in very common use. But in dreams such questions never give much trouble; if they do suggest themselves a ready answer is always forthcoming. The author evidently sees no difficulty here, but he does find it necessary to bring down as late as possible the date of the first occurrence of the alleged loan-words in Old English and Old High German, and devotes much space to proving the spuriousness of documents that seem inconveniently early. So far as the English records are concerned he might have spared his pains, for most of the impugned charters are notoriously either forgeries or modernized copies. After all he has to admit that *dorf* and *bah* do occur in High German place-names soon after A. D. 760, and become quite common about A. D. 772-4. Even if he supposes that the Goths adopted the Arabic words on the morrow of the fatal battle by the Guadalete, this leaves only half a century for them to become vernacular in distant Germany. The difficulty is ingeniously got over by asserting (unfortunately without evidence) that from about A. D. 760 there were many emigrant Goths in the neighbourhoods to which the documents relate.

The author propounds some new Latin etymologies of Gothic words, not less wonderful than those set forth in his former volume. *Daupjan*, to baptize (German *taufen*, Dutch *doopen*) comes from *dealbare*; and from *daupjan* are derived the adjective *deep* (common to all the Germanic languages) and the verb *to dip*. Even more remarkable is the derivation of *blood* from *oblatum* used as an epithet of the blood of Christ. After this it seems quite commonplace when we are told that *shilling* is the Roman *siliqua*. With such powerful methods as he is able to employ, Professor Wiener need not despair of proving that all the reputed native Germanic words are either Latin or Arabic, and that until they came in contact with the Romans the Germanic tribes were in the condition of *Homo alalus*.

Of Professor Wiener's promised revelation of the Arabic sources of Germanic mythology we have as yet only a small specimen. Woden is Wudd or Wadd, one of the deities of pre-Islamic heathenism. His consort Frig is not, indeed, an Arabian goddess, but her name 'is apparently an Arabic word'—either *fār'ā'u*, 'a woman having much hair', or *farrā'u*, 'a woman having beautiful front teeth'. It would be interesting to read Professor Wiener's version of the history of the names of the days of the week. The Arabic philology in this volume is sometimes peculiar; it will not be generally admitted that the two feminine adjectives just

quoted are from the same root, or that ' *'iqitrahun*, petition, grievance' (it should be *'iqtirāḥun*, the *nomen actionis* of the 8th conjugation of *qaraha*) is from *ικετηρία*.

Notwithstanding the extensive use which the author makes of Latin documents, his knowledge of Latin does not seem to be very accurate. On p. 41 we read that ' St. Augustine distinctly says that the abecedarian psalms of eight syllable lines were also in use in Latin and Punic, although not with that perfection as in Hebrew '. The original passage quoted in a foot-note says nothing about eight syllable lines. It merely says that in Psalm cxviii (cxix of the English Bible), as it stands in Hebrew, *all* the verses of each set of eight (*omnes octonos versus*) begin with the same letter (that is to say, verses 1-8 all begin with *aleph*, verses 9-16 with *beth*, and so on to the end of the alphabet), whereas in the Latin and Punic abecedarian psalms only the first verse of each section begins with the proper letter of the alphabet. Professor Wiener goes on to state that St. Augustine says that ' the Hebrew rhymes were more perfect ' (than those of the Latin and Punic psalms). St. Augustine was ignorant of Hebrew, but he did not make the blunder of attributing rhyme to the abecedarian psalms.

In presenting his etymological discoveries Professor Wiener abstains from argument. His conclusions, he seems to think, must be self-evident to every well-regulated mind. The favourite word ' obviously ' constantly recurs in connexion with statements that most people will consider incredible. But he does offer arguments, some of them curiously ingenious, in favour of his remarkable theory that the Naples and Arezzo documents were fabricated in the eighth century by Spanish Visigoths resident in Italy. The accepted views on the subject, however, are in no danger of being overthrown. As Massmann's *Frabauhtabokos* is not accessible to every one, we may be doing a service to some scholars by mentioning that the full text of the Naples document is reprinted in this volume.

Professor Wiener devotes many pages to the *Hisperica Famina* and the kindred group of writings. All these works he asserts to have been written in Spain near the end of the eighth century, and to show abundant traces of Arabic influence. There is great uncertainty about the date and place of origin of these curious compositions, except perhaps the *Lorica*, so that there is plenty of room for a new theory ; but it may safely be predicted that Professor Wiener's views will find no acceptance among scholars. On the other hand, he really has made out a strong case for Arabic influence on the writings of the grammarian ' Virgilius Maro ', which (agreeing for once with the received opinion) he refers to Southern Gaul. Three of the names of classes of metres mentioned by ' Virgilius ', *longa*, *extensa*, and *mederia*, do strikingly resemble the *ṭawīl* (long), *madīd* (extended), and *muḍāri*¹ of Arabian metrists. This is an excellent point, and some of the other arguments in this chapter are at least plausible. But what are we to say, for instance, of the statement

¹ The Arabic word is *مضارع*, but Professor Wiener gives it as *مدارة*—a significant double blunder. The confusion between *hamza* and 'ain occurs in several other places, and the *a* of *ṭawīl* is miswritten as *ā* both in Arabic characters and in transliteration.

that the eccentric numerals given by 'Virgilius' are 'obvious deteriorations' of the strange words² which Pseudo-Boethius attaches to the ten digits of the Indian notation? The two series are as follows:

Boethius: 1 *igin*, 2 *andras*, 3 *ormis*, 4 *arbas*, 5 *quinas*, 6 *caletis*, 7 *zenis*, 8 *temenias*, 9 *celentis*, 0 *sipos*.

Virgilius: 1 *imin*, 2 *dun*, 3 *tor*, 4 *quir*, 5 *quan*, 6 *ses*, 7 *sem*, 8 *onx*, 9 *amin*, 10 *ple*.

What will be 'obvious' to any normally constituted mind is that seven out of the ten words in the lower row are distortions of the Latin numerals; and 'Virgilius' himself has some claim to be believed when he says that *ple*, 'ten', is derived from *plenitudo*. It is only the 5 and the 7 that have any likeness to the corresponding words in the Pseudo-Boethius. The letter of Aldhelm to Ehwald, if genuine, proves that 'Virgilius Maro' was already known in the seventh century. Of course Professor Wiener denounces the letter as a forgery. His arguments, if the early date of 'Virgilius' were certain, would not be convincing; but there is, at any rate, sufficient ground for doubt to render desirable a thorough investigation, which would probably contribute to the solution of more than one interesting problem.

The volume is extremely amusing, not less by its cleverness than by its absurdities, and it contains some quotations and references that may be found useful. The chapter on 'Virgilius Maro' is, as we have gladly acknowledged, not destitute of value, and possibly there may be a few other instances in which Professor Wiener's unquestionable acuteness and industry have not been misapplied. But as a whole the work is a mass of wild extravagance, compared with which the writings of Mr. Ignatius Donnelly are models of sane and judicious reasoning. Happily for the credit of American scholarship this book is not, as was the author's former volume, published by the Harvard University Press.

HENRY BRADLEY.

The Golden Days of the Early English Church. By Sir HENRY H. HOWORTH.
(London: John Murray, 1917.)

THE period which Sir Henry Howorth has described under this title extends from 633 to 735. In ecclesiastical history the chief interest of these years lies in the establishment of metropolitan authority in England by Archbishops Theodore and Berhtwald: a new phase begins with the grant of the pallium to Bishop Egberht of York in the latter year. In general history the year 735 is of no particular significance. It falls in the middle of the reign of Æthelbald of Mercia, and a narrative ended at this point cannot describe what is the most remarkable feature of the eighth century in England, the development of the power of the Mercian kings. For the illustration of the period he has chosen Sir Henry Howorth has brought

* Professor Wiener is right in saying that *arbas* and *temenias* are Semitic. We may add that *andras* looks like the High German ordinal, and that *igin*, *ormis*, and *celentis* strangely resemble the Magyar *egyen*, *harmas*, and *kilenczes*, while *quinas* may very well be Latin, and *sipos* the Arabic *ṣifr* (whence our *cipher*). If these coincidences be not accidental there remain only *caletis* and *zenis* to be explained as arbitrary inventions.

together a great body of material, legal and archaeological as well as literary, and has supplemented the narrative of Bede by constant reference to other and less familiar sources of information.¹ Probably no one has ever sought more widely for facts which bear upon the history of this obscure age. Nevertheless the age remains obscure, and it may be doubted whether the criticism of authorities is sufficiently advanced to justify the trenchant judgements which Sir Henry Howorth passes upon the characters who appear in his story.

Sometimes this new material invites a revision of accepted judgements which Sir Henry Howorth does not supply. Like other writers he quotes from the letters of St. Boniface the familiar passage in which the vices of King Osred of Northumbria and his invasion of monastic privilege are described. If this were all that is known of Osred it would perhaps be just to dismiss him with simple reprobation, as he is dismissed in the present book. But Sir Henry Howorth cites at length the verses in which the character of this king was described in the early ninth century by Æthelwulf in his poem *De Abbatibus* :

Exstitit a primis sed non moderatus in annis,
Indocilis iuvenis, nescit sensusque petulcos
Subcurvare animo, contemnens iura Tonantis,
Armpotens nimium, propriis in viribus audax.
Non proceres veneratus erat ; non denique Christum,
Ut decuit, coluit ; vacuis sed subdidit omnem
Actibus, heu ! vitam, mansit cum corpore vita.
Inde fuit, praesens parvo quod tempore saeculum
Manserat, atque diu potuit non ducere vitam.
Hic igitur multos miseranda morte peremit,
Ast alios cogit summo servire Parenti,
Inque monasterii attonsos consistere saeptis.²

The verses are execrable : it is with good reason that Æthelwulf elsewhere describes himself as *vilis per omnia scriptor*. But they create the impression of a young, spirited, and warlike king, formidable to his nobles and by no means amenable to the religious—a king who might if he had lived have averted the anarchy into which the Northumbrian kingdom was destined to fall. Also, while there is no reason to question the substantial accuracy of St. Boniface's description of Osred's vices, a protest should certainly be made against Sir Henry Howorth's suggestion that Wilfrid, Osred's guardian, ' who had suffered so much at the hands of the Northumbrians for many years, should also have revenged himself upon them by allowing the boy who was his protégé to become a reprobate ' (ii. 504). For this

¹ In his references to the *Vita Sancti Guthlaci* of Felix Sir Henry Howorth does not adhere to the early texts of this work made accessible by Dr. Birch in the *Memorials of Saint Guthlac*. The saint's father was named Penwalh, not Penwald ; his mother's name should be given in the feminine form Tette, not in the Latinized form Tetta ; the abbess who sent him his leaden coffin was called Egburh, not Eadburh. The early manuscripts agree in recording the dedication of the *Vita* to a King Ælfwald who can only be the East Anglian king of that name who died in 749. In his Introduction (p. cxi) Sir Henry Howorth rightly accepts this dedication, but in his second volume (p. 407), following an unfortunate suggestion by Mr. Plummer, he states that the work was dedicated to Æthelbald of Mercia.

² Printed in T. Arnold's edition of Symeon of Durham (Rolls Series), i. 268.

innuendo there is not the slightest evidence, and it is refuted by all that is known of Wilfrid's character. There is no need to invent an immoral tutor in order to explain the irregular life of a young eighth-century king.

In the course of a long introduction Sir Henry Howorth has discussed in much detail the charters which come or purport to come from the sixty years preceding the death of Bede. If in this respect his work is an advance upon other recent attempts to write the history of this period it cannot be said that he has appreciated the principles which should govern the treatment of diplomatic evidence. For one thing he continually applies to transcripts of charters methods of criticism which are only valid in relation to documents which purport to be original. If no authentic charter written before the year 725³ is dated by the *annus Domini* nothing is more natural than that a copyist should insert an incarnation year in a document dated only by the indiction. It is also unfortunate that Sir Henry Howorth has taken no account of such recent critical work as has been done upon the charters of this age, for this neglect has involved his rejection of many documents which present notes of authenticity only to be perceived by the application of diplomatic tests. The presence in the transcript of a charter of formulas known to have been employed by contemporary draughtsmen raises at once a presumption of genuineness sufficient to outweigh very serious difficulties of subject-matter. It is, for example, formulary tests which suggest that a genuine basis underlies most of the early diplomas which come from St. Augustine's, Canterbury. Evidence of this sort is often reinforced by the persistence into late copies of the early forms of personal names written in the original document. Sir Henry Howorth devotes six pages of his introduction⁴ to the detailed rejection of twelve charters which bear witness to the existence of a seventh-century king of the Hwiccas named Oshere. A thirteenth charter,⁵ not cited by Sir Henry Howorth, by which Æthelbald of Mercia grants land to Æthelric *filiu quondam Hwiccorum regis Oosheraes*, is proved authentic quite conclusively by this combination of early formulas with early name forms.⁶ There is, indeed, no need of diplomatic discussion to show the spuriousness of a high proportion of the first two hundred charters in the *Cartularium Saxonicum*; many of these documents are forgeries so flagrant that they can hardly have been ever intended seriously to deceive. But Kemble's indiscriminate asterisks should no longer be allowed to prejudice the authenticity of early texts.

It should be added that we do not know enough about the details of seventh and early eighth century history to reject without independent cause charters which refer to persons of high rank who are otherwise

³ Throughout his discussion of charters Sir Henry Howorth follows Kemble upon this point. The recent demonstration by the Editor of this Review that the year of grace might have been introduced into English documents at any time after 664 (*ante*, pp. 60 ff.) frees a number of early texts from the suspicion of interpolation.

⁴ pp. clviii-clxiv.

⁵ *Cart. Sax.*, no. 157.

⁶ Sir Henry Howorth expresses great doubts about the authenticity of *Cart. Sax.*, no. 81 (Cotton MS. Aug. ii. 29), a document written in uncials. The criticism of this charter is a difficult work, but the evidence of its handwriting, if not in itself conclusive, is supported by the succession of early formulas by which its text is composed.

unknown. We are not entitled to condemn the Kentish texts printed in the *Cartularium* as nos. 35, 40, and 73, simply because they are composed in the name of a King Oswine of whom there is no other record.⁷ The King Nothhelm who makes a grant in Sussex to his sister Nothgyth in a charter which includes primitive formulas is not convincingly explained away as bearing a name 'apparently . . . borrowed from that of Bede's correspondent at Canterbury'.⁸ The kings Nunna and Watt who are associated in this charter with Nothhelm bear names which are not otherwise recorded independently, but belong to well attested types of Old English name-formation.⁹ The pointless invention of royal names is not in keeping with the practical motive of supplying a defective title to lands or immunities which incited most forgers of diplomas to their evil work. Even less consistent with this motive is the invention of place-names which could not have been identified in the age of the hypothetical forgery. There is no intelligible reason why the monks of Abingdon in the twelfth century should forge a charter of Ine granting to Heaha the patrician and to Ceolswyth lands at Bradfield, 'Bestlesford,' and Streatley.¹⁰ No land in this neighbourhood was claimed by the abbey at any later time. And if the identity of the Bestlesford of the charter with the modern Basildon may be argued from the fact that each of these names is compounded with the same unique Old English personal name, it certainly does not follow that this argument would have been admitted by a twelfth-century judge.

Nor is an incidental inconsistency of statement in itself sufficient reason for the rejection of an early diploma. The charter by which Æthelred of Mercia grants land at Fladbury to Bishop Offfor of Worcester for the absolution of the sins of Osthryth, formerly the king's wife, is condemned by Sir Henry Howorth on the ground that Osthryth died in 697 while the bishop was already dead in 692.¹¹ That Osthryth was murdered in 697 we know from Bede, but for the attribution of Offfor's death to 692 there is no earlier authority than Florence of Worcester. As an abstract of the Fladbury charter is entered in the Worcester cartulary of c. 1000,¹² while an early if not the original text of the charter itself was once in the possession of Lord Somers, its testimony altogether supersedes the unsupported statement of Florence as to the date of Offfor's death. In other cases the inconsistency may be resolved by external evidence. The Shaftesbury Register contains a charter of one Coinred, to whom no title is given, granting thirty *manentes* on the north of the River Fontmell

⁷ See G. J. Turner, *The Black Book of St. Augustine's*, introd., p. xxiv.

⁸ Introduction, pp. cxlviii, cxlix; *Cart. Sax.*, no. 78.

⁹ The Yorkshire place-name Nunnington probably contains an Old English Nunna (D. B. *Nunningetune*); the Northamptonshire Nunton may also be compared (*Cart. Sax.*, no. 1128 of *Nunnetune*). The feminine Nunne occurs in the *Liber Vitae* of Durham (Sweet, *Oldest English Texts*, p. 559).

¹⁰ Introduction, p. cxlvi. In my *Early History of the Abbey of Abingdon* I have argued that if this grant is in substance authentic the process by which the other and spurious texts connected with the origin of this house were fabricated becomes intelligible.

¹¹ *Cart. Sax.*, no. 76. Cf. Introduction, p. clvi.

¹² *Hist. MSS. Comm.*, *Wollaton Report*, pp. 199-200.

to the abbot Bectun.¹³ Sir Henry Howorth rejects this text because, while it defines the estate as bounded on the south by the land of Bishop Leutheri of blessed memory, it is nevertheless attested by the bishop himself. This inconsistency disappears when it is observed that the text which follows in the same cartulary is a statement by Bishop Cyneheard of Winchester to the effect that he has composed the former charter afresh in order to end a dispute which had arisen between the abbots Tidbeald and Ecgweald.¹⁴ Moreover, the form Coinred belongs to the early part of the eighth century at latest, and the definition of a site by reference to the name of a neighbouring river is characteristic of early diplomas.¹⁵ In view of these facts it is reasonable to accept the charter as representing an authentic original, and if, as is probable, the Coinred of this text should be identified with the man of that name who was Ine's father, we obtain a new piece of evidence as to the region in which the branch of the West Saxon house to which Ine belonged was seated.

The ungrammatical, barely intelligible, texts which present the greatest difficulty to the modern student are precisely those which deserve the most careful scrutiny before their condemnation, for their rejection on inadequate grounds imposes an unnecessary labour of rehabilitation on later scholars. It is true that a just estimate of the value of the earliest English diplomas can only be founded on a survey in detail of the development of pre-Conquest charter formulas, and that no one has yet published the results of such a survey as a whole. But Sir Henry Howorth has not always availed himself of the work of scholars in fields where the preliminary labour has been carried out. After the publication of Professor Liebermann's edition of the *Gesetze* it is unprofitable to express doubts as to the authenticity of Ine's laws, or to reject those of Wihtred. References to the pseudo-Asser imply a point of view which has been obsolete since 1904, and few students would now deny the existence of a basis of authentic tradition in the sections of the *Chronicle* relating to the years covered by the *Historia Ecclesiastica*. The materials for the reconstruction of early English history are sadly insufficient, but they are both more numerous and of better quality than Sir Henry Howorth would have us believe.

The introductory pages which discuss these materials form the most important section of Sir Henry Howorth's work. After its publication it may be hoped that no one will again write a detailed history of this period without reference to diplomatic sources of information, though it may be doubted whether Sir Henry Howorth's judgement of individual texts is likely to find permanent acceptance. We may have long to wait for an Anglo-Saxon history in which all the available evidence is combined as the basis of a narrative. The demonstration of the variety of this evidence is the chief merit of the present book. Its criticism awaits the co-operation of many hands.

F. M. STENTON.

¹³ *Cart. Sax.*, no. 107.

¹⁴ *Cart. Sax.*, no. 186. Sir Henry Howorth refers to this second text as a deed of King Cynewulf (Introduction, p. clxxi), but it is drafted in the bishop's name, who associates the king with himself in the reconciliation of the contesting parties.

¹⁵ *E. g. Cart. Sax.*, nos. 57, 148, 154, 157, 182.

Histoire féodale des Marais, Territoire et Église de Dol. PAR JEAN ALLENOU.
(Paris : Champion, 1917.)

THIS little treatise is devoted to a document of great interest to Breton antiquaries, the sworn inquest into the rights of the episcopal (pseudo-archiepiscopal) church of Dol, made in October 1181, by command of Henry II and his son Geoffrey, styled therein *comes Britannie*. M. Duine, who contributes the excellent historical introduction, explains that it is published as a tribute to the memory of the young Breton scholar who, after being trained 'aux vraies méthodes' of historical and institutional research, was devoting himself to their application to the records of his own district when cut off by an early death. He appears to have been of a type too rare among our own provincial antiquaries, for the combination of local knowledge with such a specialist training as is given by the *École des Chartes* is not easy to attain in this country. Its advantage is seen in the careful reconstruction and editing of this document, for which no primary source exists. MM. Allenou and Duine found its chief interest in the mention of local places and persons at so early a date, but for us it is rather to be sought in the method of taking the inquest and in its comparison with those in use in Normandy and among ourselves.¹ Sworn oral evidence was taken, in each locality, from parish priests, knights, an abbot, monks, *legales antiqui homines*, the burgesses of Dol, and even from a woman. In one case two knights and fifteen elders (*antiqui homines*), and in another two priests, two knights, and ten *alii antiqui homines* give their evidence jointly, as do two canons, nineteen priests, and three deacons, on the alienation of his church's property by 'Archbishop' Ginguéné (c. 1008-39) and 'Archbishop' Juhel, his successor, a very important matter. Evidently, hearsay evidence was accepted; the first witness and the second 'hec omnia audiverunt testari . . . a tempore Baldrici archiepiscopi', which seems to be rather doubtfully rendered 'les ont entendu dire (*sic*) depuis (*sic*) le temps que Baudry', &c. The third witness 'dixit quod audivit ex patris sui confessione quod', &c. Here the rendering is again 'qu'il avait entendu dire à son père', though the Latin is rather different. It was again on hearsay (*ex communi relatione antiquorum*) that a monk of Tronchet relied for facts which he stated.

The historical introduction brings out several points of interest, especially with regard to the bishop's *vidames*, the lords of Dol-Comboung. In the inquest the first of these is alleged to have been a brother of 'Archbishop' Ginguéné, who built for him the castle of Comboung and carved for him, out of his see's domains, a fief of twelve knights' fees. It was one of this line who held Dol against William and Harold, in the expedition depicted on the Bayeux tapestry. John, last of the line, who died in 1162, handed over the tower of Dol to Henry II, but left a daughter Yseult, whose husband, Hasculf de Soligné, was holding the fief at the time of the inquest of 1181, and their son John went over to the French party in the duchy. Norman influence had been responsible for the election of Roland the sub-deacon (cardinal in 1184) who visited Scotland as papal legate in 1182, and who is named as *Dolensis electus* in the inquest, which

¹ Cf. Haskins, *Norman Institutions* (1918), ch. vi, 'The early Norman jury'.

Henry II is alleged to have ordered at his request. Of peculiar interest to ourselves is the fact that the seneschals or stewards (*dapiferi*) of Dol were the direct ancestors of our royal Stewarts in the male line, as I have elsewhere shown.² Of this there is no mention in the treatise, though the Dol line of the house is traced down to its heiress. Under 'Familles Dolo-Anglaises' we read only of the early lords of Monmouth, with whom also I have dealt among 'the little group of Dol families' who settled in England.³ As with so many French publications, this treatise has a valuable bibliography (pp. 22-31), though my own *Calendar of Documents*, which has been freely drawn upon, is unfortunately assigned to the 'collection du master of the rolls'. The index is excellent. J. H. ROUND.

Magna Carta Commemoration Essays. Edited by H. E. MALDEN, M.A. (London: Royal Historical Society, 1917.)

Of the nine essays comprised in this little volume six are concerned more or less directly with the contemporary meaning and history of the Great Charter, and the rest with its subsequent history and influence.

The current controversy over the real character of Magna Carta is reviewed on somewhat different lines by Sir Paul Vinogradoff and Professor Powicke in two papers on the crucial clause 39, *Nullus liber homo capiatur*, &c. They agree in rejecting the extreme feudal interpretation adopted by Professor G. B. Adams, which narrows down the phrase *liber homo* to the baron or tenant-in-chief. Both regard all freeholders as sharing in the protection given by this clause, but they differ seriously as to the meaning of the old stumbling-block, *per legale iudicium parium suorum vel per legem terrae*; and while Mr. Powicke's essay is a full answer to Mr. Adams's contention, Sir Paul Vinogradoff's main concern is to show how the clause in question soon received the broader interpretation which removed its feudal limitations. These limitations seem more serious to him than to Mr. Powicke because he accepts the 'feudalist' explanation of *vel per legem terrae*, though he rejects their interpretation of *liber homo*. It is 'quite clear', he holds, that *vel* was employed in a conjunctive and not in a disjunctive sense, and he 'entirely agrees with Mr. Adams that the only sense in which these words can be construed is that of an assertion of legality'.¹ In other words, what was conceded by clause 39 was trial by the peers of the accused, and this was granted not merely to tenants-in-chief, as Mr. Adams holds, but to all *libere tenentes*. Such a construction of *vel* goes far beyond the original suggestion of Maitland that it was used sub-disjunctively here, and left open the question whether the law of the land always required trial by peers. The point is of much more than verbal importance, for if the 'conjunctive' interpretation is right the barons of 1215 are convicted of aiming a much less

² *Studies in Peerage and Family History*, pp. vii, 120-30.

³ *Ibid.*, pp. 120-3. I there suggested as a possibility that the Butlers of Ireland might be descended from the feudal butlers of Dol.

¹ This, he adds strangely, was amplified in some of the confirmations by the expression '*legale iudicium*'. Of course the expression occurs in Magna Carta itself, though not in the Articles of the Barons.

justifiable blow at Henry II's judicial work than they struck in the prohibition of the writ *Præcipe*.

In support of his construction of the disputed phrase, Sir Paul Vinogradoff adduces (1) the *per legem regni nostri vel per iudicium parium suorum in curia nostra* of the writ of 10 May 1215, in which John had already provisionally offered to the barons (and their men) the precise protection given in c. 39, pending a general settlement by a joint committee under the presidency of the pope; (2) the pope's reminder to the barons (24 August) that John had offered to do them justice *in curia sua per pares vestros, secundum consuetudines et leges regni*. The latter is described as an 'authoritative interpretation', but, unfortunately for this view, the words do not refer to suits before the king's court, but to a general reference of the petitions of the barons to its decision. This is clearly put by Mr. Adams himself in his essay on 'Innocent III and the Great Charter' (p. 33). As for the wording of the writ of 10 May, the reversed order of the two phrases connected by *vel* seems in itself to throw doubt on an interpretation of c. 39, which puts the whole emphasis on the *iudicium parium*, while the limitation of this judgement of peers to the king's court² surely requires the mention of some other form of legal trial in the case of the *homines* of the barons. The extreme feudal interpretation of c. 39 seems therefore to obtain no support, to say the least, from the wording of the writ of 10 May.

Returning to the clause itself, it is impossible not to agree with Mr. Powicke on the extreme improbability that *vel* is used conjunctively in this passage alone out of some sixty in which it occurs in Magna Carta. He has no difficulty, too, in showing that after as before 1215 'judgement of peers' was by no means the only form of trial even for barons, nor was it always the form they preferred. On the other hand, Sir Paul Vinogradoff can only produce one case, and that clearly exceptional, in which any one below the highest rank of the baronage claimed the judgement of his peers, and his theory of the substitution of the verdict of a jury for such a judgement hardly seems called for.

If, however, c. 39 did not concede *iudicium parium* in every case, and *vel* was more or less disjunctive, in what sense could trial by peers be described as an alternative to the law of the land? As an ultimate resort in exceptional cases, says Mr. Powicke, a special protection against the arbitrary power of the Crown, something superimposed on the ordinary law of the land rather than a rigid alternative to it. The distinction may sound over refined, but we can perhaps compare the later use of *lex terrae* (*la ley de la terre*) for the common law as contrasted not only with local³ and sectional law, but with statute law (*ley especial*) which is clearly brought out by Professor McIlwain in his essay on 'Magna Carta and the Common Law'. The parallel would be even more suggestive if *in curia*

² Sir P. Vinogradoff's suggestion that the omission of *in curia nostra* in Magna Carta was due to the wish of the barons to extend the *iudicium parium* to their own courts is hardly consistent with the presence of these words in the Articles of the Barons (25, in cases of disseisin 1154-99).

³ For this reason it may be doubted whether Mr. Powicke is right in bringing 'varieties of local customs' under the phrase in c. 39.

nostra was understood after *iudicium parium* in c. 39, and the right to this form of trial in certain cases was limited to tenants-in-chief, or, as in the matter of amercement (c. 21), to earls and barons.

The two scholars, whose interpretations of c. 39 we have been considering, do not seem to differ very widely as to its actual effect in stimulating resort to a judgement of peers, but their divergence on the meaning of the little word *vel* is vital for the question of the aims of the baronage of 1215. It means all the difference between a reactionary attempt to reverse the judicial progress of half a century, and a constitutional effort to secure adequate protection against abuse of prerogative.

The third paper which is devoted to the interpretation of the text of the Charter does not raise such controversial issues, but it is calculated to flutter academic dovescotes. It is hardly an exaggeration to say that almost every page of Mr. Round's 'Barons and Knights in the Great Charter' upsets some commonplace of the constitutional historians. A few of the outstanding ones may be strung together, as they often have been in lectures: (1) The tenants-in-chief who composed the Commune Concilium as defined in c. 14 of the Charter were either *maiores* or *minores barones*, who were respectively summoned by special writ and by general writ through the sheriffs; (2) the *maiores barones*, and they only from 1215, paid a relief of £100, being identical with the 'barons' of c. 2 which regulated reliefs; (3) the *minores barones* were identical with the knights of c. 2, who were tenants-in-chief and paid a relief of £5 per fee; (4) the greater barons paid their reliefs direct to the Crown, the lesser barons or knights to the sheriff; (5) when knights ceased to attend the Commune Concilium or Parliamentum in the course of the thirteenth century they were replaced by representative knights.

Mr. Round shows beyond possibility of doubt that every one of these statements is either wholly or partially erroneous. The root error has been the failure to see that the line of division in c. 2 is not the same as in c. 14 but lower, being drawn under the class of barons, while in c. 14 it is drawn through that class, leaving in the lower division not merely knights but *minores barones* above them, and tenants-in-chief by serjeanty and socage below them. Stubbs recognizes this in one passage of his first volume, but elsewhere shares the general confusion of cc. 2 and 14 of the Charter, and allows himself to be misled by Gneist into the statement, totally opposed to fact, that the lesser tenants-in-chief paid their reliefs to the sheriff; a mistake due to the unjustifiable extension to the whole country of a custom of the 'Danish' counties of Yorkshire, Notts, and Derby recorded in Domesday Book. Two remarkable and unexpected results are elicited by Mr. Round's investigation of the reliefs and fines of land actually paid by tenants-in-chief: first, that while the holder of a single knight's fee from the Crown paid a relief of £5 only, a holding of two knights' fees was reckoned a barony and paid £100, or conceivably even more before 1215; secondly, that the extortionate reliefs and fines, of which John has had to bear the sole discredit, were already exacted by Henry II.

In the essay on 'Innocent III and the Great Charter' Professor Adams comes to the conclusion that the pope condemned the Charter not as the feudal suzerain of England, but solely in virtue of his ecclesiastical rights.

The matter is obscure, and the operative words of the bull of 24 August 1215 certainly contain no reference to the feudal relationship, though John's appeals to the *iudicium* enjoyed by the pope *ratione dominii* are recorded in the historical retrospect. Perhaps, as Mr. Adams suggests, the difficulties in the way of constituting a lay court of peers for the trial of John's appeal were deterrent. However this may be, the words *nos qui tam regi quam regno tenemur et spiritualiter et temporaliter providere*, with which Innocent introduces his injunction to the barons (25 August) to renounce the Charter, are hardly consistent with an intention of resting his intervention on a purely ecclesiastical basis. Nor is it quite so clear as Mr. Adams assumes that the Charter contained nothing which seriously affected John's ability to pay the annual sum which was his service for his fief, and so could not call into action the recognized feudal principle that anything which might have that effect required the consent of the lord. The case could not arise on the financial clauses of the Charter, but it might have been raised on the securities clause (61) which contemplated the possibility of legalized civil war.

A knowledge of Spanish constitutional precedents was hypothetically attributed to the barons who drew up the Great Charter by Marieheler and Manrique in their *Historia de la legislacion de España* (1861). No support for this hypothesis is found by Professor Raphael Altamira in his article on 'Magna Carta and Spanish Mediaeval Jurisprudence', but many interesting feudal and constitutional parallelisms in Spanish and English development are brought together, as well as some striking divergencies.

The importance of the financial necessities of the Crown in the struggle with the baronage has perhaps not yet been fully realized, and Mr. Hilary Jenkinson makes a very useful contribution to the study of the charter of liberties by calling attention to the neglected 'Financial Records of the reign of King John', and making their extent and nature very clear to the future student of the finance of this critical period.⁴ Mr. Jenkinson finds no evidence of administrative control over the king's disposal of such revenues as he had, and he is inclined to suggest that the 'very powerful administrative brain' which these documents seem to reveal at work was John's.

In view of the distinction generally made in the thirteenth and fourteenth centuries between the common law and enactment or statutory law, a question of much legal and constitutional interest is raised by the fact that the Great Charter was placed in both categories. Edward I, in the Confirmation of the Charters, ordered it to be observed 'cume ley commune'; yet Bracton, using his civilian term for enactment, had already described it as *constitutio libertatis*, and it was referred to in a suit of 1291 as *statutum de Ronemedede*. The resolution of this apparent contradiction leads Professor McIlwain into a valuable inquiry into the medieval conception of law and legislation, the results of which are useful to others than students of Magna Carta, correcting, for instance, the current definition of

⁴ He seems to be justified in challenging Mr. Poole's suggestion (*The Exchequer in the Twelfth Century*, pp. 119 ff.) that Master Thomas Brown and the archdeacon of Poitou in Henry II's time were the predecessors of the king's and lord treasurer's remembrancers.

ordinance by showing that it was not necessarily passed by the king, or the king in council, only, and pointing out that the real distinction between ordinance and statute was that the latter was intended *perpetuelment a durer*. Statutes, however, were in a sense less permanent than the common law, which was mainly ancient custom, for statutes could be repealed, especially if they were found to violate the common law, which they were originally supposed to affirm and amend. But Magna Carta, though regarded as a statute, because it was granted by the king with the advice and consent of his barons, was not repealable like other statutes, for the reason that it embodied such a mass of ancient custom as to be considered part of the common law. The common law might be amended or added to, but not repealed. After 1225, indeed, no further change was admitted into the text of the Charter itself, and this, with the numerous confirmations of it by parliament in the thirteenth and fourteenth centuries, makes it, as Mr. McIlwain remarks, a closer approach to the 'fundamental law' or 'written constitution' than English writers have been willing to see in our medieval institutions.

The superiority of the Great Charter to other statutes in this respect may be admitted without accepting the interpretation that Mr. McIlwain puts upon two words in a petition of the commons in 15 Edward III. After mentioning the Charter and its confirmations, the petition proceeds: 'Et puis molt des autres Ordinancez et Statutz faitz pur profit du commune people entendant les pointz de la dite Chartre,' etc. (p. 173). 'Puis molt' has surely no reference to the inferiority of ordinances and statutes to the Charter, but must be taken closely with the words that follow: 'and afterwards many other ordinancez,' &c. Two other corrections that seem to be needed in Mr. McIlwain's article may be noted here. The complaint against the sheriffs of London in 1286 for violating Magna Carta was not, as stated on p. 174, grounded on their refusal of *judgement* by peers but of *afeerment* by peers, quite a different thing. The real interest of the record in the *Liber Custumarum* is that it shows a right which was only asserted for earls and barons in the Charter (c. 21) being claimed generally. On p. 144 again the writer of the article takes the old view of the action of the *communitas bachelerie Angliae* in 1259, as that of the knightly class in the counties, obviously in ignorance of Professor Tout's article in this Review⁵ giving evidence that this *communitas* was 'no more than a chance number of rash young gentlemen'.

In the address on the character and influence of the Great Charter, delivered in June 1915 to the Royal Historical Society and the Magna Carta Commemoration Committee by Professor McKechnie, and now forming the first article in this volume with the title, 'Magna Carta, 1215-1915,' the question is posed: 'Whence did the Charter acquire the right to be described without qualification and without rival as being 'Great?'' The author or the editor might have recorded in a foot-note Mr. A. B. White's discovery, first published in this Review⁶ in July 1915, that it was first called Great merely to distinguish it from the separate Forest Charter of 1217.

⁵ Vol. xvii. (1902) 89.

⁶ Vol. xxx. 472; cf. xxxii. 554 ff.

Dr. Hazletine's essay on 'The Influence of Magna Carta on American Development', which has already been printed in the *Columbia Law Review*, will perhaps be found most novel and interesting in the section which deals with the attitude of the early colonial legislators and jurists to the Great Charter and the English common law. The colonists and the colonial proprietors were generally inclined to take over more or less of the Charter, but the Crown representatives in some cases looked askance at the adoption of what might prejudice the royal prerogative. On the other hand, the Governor and Council of Virginia in 1757 refused their assent to an act for the ejection of lawyers from the state until a committee reported that such legislation was not forbidden in Magna Carta.

In concluding this review of a volume which forms a worthy commemoration of its great subject, we must not omit to mention Viscount Bryce's unexpected but well-sustained parallel of the Great Charter and the Twelve Tables in the preface, and the editor's little history of Runnymede in the introduction.

JAMES TAIT.

Studies in English Franciscan History; The Ford Lectures delivered in the University of Oxford in 1916. By A. G. LITTLE, M.A. (Manchester University Press. London: Longmans, 1917.)

'Most of us who are students of the Middle Ages confine ourselves perhaps too much', says Mr. Little, 'to chronicles and records; we do not read enough of the books which the educated men of the Middle Ages read, nor of the books which they wrote.' These six lectures are an admirable example of the better method. Not that the lecturer neglects to make every possible use of his records. Far from it. In the first lecture, 'On the Observance of the Vow of Poverty', he gives us what must be almost an exhaustive examination, so far as records are at present at all accessible, of the facts bearing upon the measure of success attained by the English Friars Minor in maintaining their principles in this respect. External influences, as he shows, whether from popes, kings, municipalities, or private donors, were almost wholly adverse to the strict observance of the rule. Legal fictions could only too easily be invented whereby mendicant communities or individuals might become for practical purposes holders of property; and the interests of patrons, the vanity of church builders, the fears of the dying for their own spiritual welfare, and of the surviving relatives for that of the dead, as well as the remorse of the living sinner, all these motives conspired to make the friars break their rule.

The analysis of recorded alms and of statistics of the numbers and property of the English friars tends on the whole to show a surprising amount of internal resistance to corrupting influences, and the facts collected testify to the real vitality of the founder's spirit within the Order. How widely Mr. Little has cast his net may be illustrated from the fact that he gets one of his most valuable pieces of evidence on the economics of a friary from a fragment in the binding of a Greek psalter, published only in a work on New Testament criticism. 'The Failure of Mendicancy', which is the subject of the second lecture, is shown to have been brought about

by causes which are skilfully analysed:—besides those already noted, the process by which begging became an end instead of a means, the excessive amount of energy necessarily diverted to it from spiritual work, if the friars were to get a living at all, the pressure of popes and kings, who found well-endowed chaplains more useful to them than strict observers of the rule. The case of friar John Welle in Edward III's reign is fully explained, not as typical, but as an extreme instance of these abuses. The evidence of political tracts and poems and of the writings of the opponents of mendicancy is fully considered. Lecture iii gives a brief but sufficient account of the relations of friars and parish priests, and the disastrous story of papal legislation on this subject. More valuable and original is the discussion in Lecture iv of 'Popular Preaching', with examples from that *Liber Exemplorum* which Mr. Little edited not long ago for the British Society of Franciscan Studies, from the *Speculum Laicorum*, Nicholas Bozon's *Contes Moralisés*, and especially from the still unpublished *Fasciculus Morum*. Lecture v, on the 'Education of the Clergy', is largely devoted to the voluminous works of John of Wales, the great popularity of which is shown by the survival of nearly two hundred manuscripts, but which are very little known to modern readers. The last lecture gives a concise history of the Franciscan school at Oxford, bearing out the testimony of Father Felder to the high place which Englishmen hold in the history of scholarship within the Order.

Among the useful documents in the appendix Mr. Little prints the curious moralization of chess from John of Wales's *Communiloquium*, which is much less known than that of Jacobus de Cessulis; but the most valuable is the list of Franciscan custodies and houses in the Province of England.

In one minute detail Mr. Little seems open to criticism. The evidence for the equivalent in thirteenth-century English of Latin titles is scanty and needs to be collected, but unless Mr. Little has new reasons to allege, it is difficult to understand why he translates *dominus* as 'lord' in the cases of the persons who surely would have been styled by fourteenth-century Englishmen Dom (or Dan) Alexander, Master of the Canterbury Hospital, and Sir Richard Gobiun, knight.

J. P. GILSON.

Studies in Dante. Fourth Series: Textual Criticism of the 'Convivio' and Miscellaneous Essays. By EDWARD MOORE, D.D. (Oxford: Clarendon Press, 1917.)

DR. MOORE'S *Studies in Dante* have much history in them, even in the narrow pedagogic use of the term; but there is less of history and more of scholarship in this last, the posthumous volume, than in some of the previous three. Nevertheless, historians will find much here to instruct and content them; the friends of the author perhaps may recognize him writing as he used to talk, with less solemnity than in some of his work. Mr. Armstrong, in a memoir for the British Academy, has drawn the portrait of his old friend and colleague with admirable truth and loyalty. These last studies, completed for the press by another friend, Dr. Toynbee, will add something not only to the tale of Dr. Moore's

researches, but to the picture of his life. His good humour finds scope where one might hardly expect it, in discussing the Battifolle letters attributed to Dante. This paper adds a little to the history of the Emperor Henry VII in Italy; students will value it still more for its acute and quick good sense in treating a problem of authenticity and explaining at the same time the general rules of the game. The additional note is very characteristic of the author, admitting that he had made too much of one or two points in his argument.

Nearly half of this book is taken up with the essay on textual criticism of the *Convivio*, which will naturally not interest historians immersed in matter. But they should not miss the delightful illustration of the ways of the scholiast on p. 18, where Dr. Moore exposes the vanity of a German and an Italian commentator who had sought to improve Dante. The passage may be quoted as a sample of Dr. Moore's building:

In his enumeration of the long roll of heroes of Roman history, Dante pauses—like the author of the Epistle to the Hebrews in xi. 32 'Et quid adhuc dicam,' &c.—and adds, 'Chi dirà de' Decii e delli Drusi che posero la loro vita per la patria?' Dr. Witte, thinking that the Drusi were scarcely sufficiently distinguished for such a eulogium, calmly proposes to substitute *Curzii*, 'o qualche altra famiglia celebre'! Giuliani, highly approving of the principle of 'così assennata conghiettura', prefers to read 'Fabj'! Apart from the monstrosity of thus mangling the text, both the distinguished critics appear to have forgotten the lines of Virgil:

Quin *Decios Drusosque* procul saevumque securi
aspice Torquatam et referentem signa Camillum.

The paper on the Tomb of Dante has an appendix note on the discovery in the crypt at Canterbury in January 1888 of the bones of St. Thomas. Dr. Moore thought the probability very strong; he examines and balances the evidence impartially. 'Dante's Theory of Creation' is a good introduction to the philosophy of Dante, and so is the lecture on the study of the *Paradiso*. This fourth series is as substantial as any of the other three, and it shows everywhere unabated spirit and energy. W. P. KER.

Cathay and the Way thither; being a collection of Medieval Notices of China.

Translated and edited by Colonel Sir HENRY YULE. New edition revised by HENRI CORDIER, of the Institute of France. 4 vols. (London: Hakluyt Society, 1915-16.)

PROFESSOR BEAZLEY'S *Dawn of Modern Geography* is likely to have aroused in many readers an interest in those medieval works of travel on the basis of which he shows how the fabric of the science came into being. Such readers will welcome the new edition issued by the Hakluyt Society of Yule's *Cathay and the Way thither*, brought up to date by M. Henri Cordier. Sir Henry Yule's introductions and notes to the documents which he collected form a rare monument of learning, indefatigable curiosity, and humour; even his bold experiment of reproducing the letter of an Irish bishop of the fourteenth century in modern Hibernian seems to be a complete success. The idea wherewith the whole work impresses the reader is that no pains have been spared to arrive at satisfactory solutions of the numerous difficulties which these texts offer, chiefly in the identification

of geographical names, and at correct assessment of the narrators' credibility. And the work of the new editor seems to be in every way worthy of his predecessor's.

The two oriental texts included in the volumes are an extract from the *Travels of Ibn Batuta*, according to the translation of Defrémery and Sanguinetti, and one from the *Jāmi' al-tawārikh* of Rashid ad-din, according to the renderings of Klapproth and D'Ohsson. It must be observed of the philological notes to these extracts that they are somewhat old-fashioned; D'Herbelot, whose work was doubtless wonderful for its time, is scarcely an authority to be cited now; and it is rather surprising to see such a note as the following left unaltered (iv. 128²).

The *Muwattah* (the name signifies according to Defrémery 'Appropriated', but D'Herbelot translates it 'Footstool') was a book on the traditions.

The name of this work, which is familiar to all Arabists, has long been correctly rendered 'the Beaten Track'. The source of the French translator's suggestion is indicated by Dozy in his *Supplément*. Still Yule's attention was quickly aroused by anything unconvincing in the translations which he used, and in such cases he ordinarily goes to the original and furnishes some fresh light.

Considerable interest attaches to a passage of Rashid ad-din (iii. 123) which M. Cordier thinks should have been cited in the controversy between the late Sir W. Herschel and a writer in *Nature* who traversed his claim to have discovered the process of identification by finger-prints. The passage runs:

It is usual in Cathay, when any contract is entered into, for the outline of the fingers of the parties to be traced on the document. For experience shows that no two individuals have fingers precisely alike. The hand of the contracting party is set upon the back of the paper containing the deed, and lines are then traced round his fingers up to the knuckles, in order that if ever one of them should deny his obligation this tracing may be compared with his fingers and he may thus be convicted.

This passage, which belongs to the thirteenth century, is, according to M. Cordier, 'peremptory proof of the antiquity of the use of finger-prints by the Chinese'. It may be, but not of the finger-prints employed by Sir William Herschel, which are not the *outlines* of the fingers, but the *lines* on the fingers. Whether the method used in Cathay was trustworthy may well be doubted; the marks employed by Herschel, and after his introduction of the system by the police, owing to the infinite variety of the figures are of undoubted trustworthiness; and as much originality was displayed in classifying these figures as in the notion of utilizing them for identification of criminals, which again is not quite the same purpose as that indicated in the extract from the Persian historian.

To one who, like the present writer, is ignorant of Chinese the identification of foreign names in their Chinese dress and that of Chinese names in foreign representation would appear to be very difficult. Thus (i. 42) the Chinese name *T'iao chi* is identified in the text after Pauthier with 'Tajiks or Persians', but the earliest use of the name *Tajik* appears to be for *Arab*, and in the note others are quoted as interpreting the name by *Egypt* or *Babylonia*. On the next page the capital of Ta Ts'in, Antu, is said to mean *Antiochia*. M. Cordier quotes from Barbier de Meynard's translation of

Mas'udi ' that at the time of the Musulman conquest there remained of the original name of the city only the letters *Alif, Nun, and Ta (Ant or Anta)* ', but it is very unlikely that Mas'udi meant this. What he states is that whereas its former name was after its founder's *Antikhs*, the Arabs, who called the place *Antakiyah*, omitted all the letters which followed the *t* in the original name. The latter name of Ta Ts'in (apparently the Byzantine Empire) *Fu-lin* is identified by Yule with Πόλις, but according to M. Cordier phonetically it cannot come from that word; M. Blochet derives it (it would seem, plausibly) from *Rum*, some one else from Bethlehem. The Arab general *Mo-i*, who was sent to effect the siege of Fu-lin, is identified with Yazid ibn Mu'awiyah; the king of Fu-lin, who sent an embassy to China in 1081, *Miè-li-i-ling-kai-sa*, ' may have been identical with the pretender Nicephorus Melissenus '.

The new edition would have gained somewhat from revision by an expert in the Islamic languages, though perhaps the errors and inconsistencies which offer scope for criticism are not very serious. A question which must have suggested itself to the editor is how far accumulations of conjectures such as form the content of some of the notes were worth preserving. An example may be taken from one on the *Travels of Friar Odoric* (ii. 250), where the friar states that in the chief city of Tibet ' dwelleth the *Abassi*, i. e. in their tongue the pope, who is the head of all the idolaters, and who has the disposal of all their benefices such as they are after their manner '. The copies cited spell the foreign word in thirteen different ways; Yule, after rebuking some one else for ' a wonderful hotchpotch of miscellaneous erudition on the subject ', proposes three solutions from various linguistic areas, and ultimately thinks of the ' Abbasid Caliphs. M. Cordier appends what he seems to regard as the true solution: '*Olog bassi = ulug Bakhshi* in eastern Turki and means simply *great lama*, the chief of one of the large convents visited by Odoric. *Bakhshi* is the name given by Arabs and Persians to the Chinese Ho-shang, Buddhist priest, and to the Tibetan lama.' We may hope that this is right, though the distance between *lo abassi* and *ulug bakhshi* is considerable. Further, whereas *bakhshi* in Persian is said to mean *lama*, we are told that among the Mongols of Persia and Transoxiana it means *secretary of state* or *physician*; and in Pavet de Courteille's Dictionary of Eastern Turki the word is rendered *Écrivain qui ne sait pas le persan; secrétaire, chanteur, inspecteur, chirurgien, plaie*. In the supplementary notes (iv. 269) a Tibetan scholar, Laufer, is quoted for an entirely new explanation: the word in Odoric stands, according to him, for ' a Tibetan term, variously articulated *p'ags-pa, p'ag-pa, p'as-pa, p'a'-pa*, which is neither a common title, nor a title at all, but merely a personal name '. Odoric's ear must in any case have been wanting in delicate perception of the difference between sounds if he rendered any of these by *Abassi*. But since of the six etymologies five must assuredly be erroneous, the question arises whether they were worth recording. Doubtless the book is strongest on the geographical side, but even where doubts may occur as to the value of the matter included it deserves credit for extraordinary industry and erudition.

D. S. MARGOLIOUTH.

Registrum Thome Spofford. Edited by the Rev. A. T. BANNISTER.
(Hereford: 1917.)

CANON BANNISTER has edited for the Cantelupe Society and the Canterbury and York Society the Register of Thomas Spofford, who was bishop of Hereford from 1422 to 1445. In his introduction he gives a short sketch of the bishop's career. Spofford had been abbot of St. Mary, York, and attended the Councils of Pisa and Constance as one of the English delegates. His earlier years were thus the most eventful, whilst the twenty-three years of his episcopate were occupied almost entirely with the government of a rather troublesome diocese. There were numerous abuses, non-resident and negligent clergy, dilapidations of church property and ill-ruled monastic houses, which called for correction. Such matters naturally fill a good part of the register. But the editor perhaps lays a little too much stress on their prominence; it is needful to remember that in such a record all that is amiss is of necessity described in detail, whilst much of what was done well is as naturally left unnoticed. The long account of the visitation of Wigmore Abbey reveals serious irregularities, but it is significant that Spofford removed from his office as Camerarius the monk who was foremost in complaining of the abbot. In other respects this same visitation suggests that personal jealousies sometimes lay at the root of alleged misconduct. An interesting feature of the register is the appearance of documents in English. Some of these, like the Ordinance for the Sisters of Limebrook Priory in 1432 and a constitution for the correction of abuses at Acornbury in 1438, were naturally put in the form in which they would best be understood by those for whom they were intended. But the English Letters of Privy Seal, one of which is dated in 1433, must be amongst the earliest of their kind. Of a different interest is the English abjuration of John Woodhulle, a Lollard clerk of Ameley, which is also dated 1433.

There are some useful references to the bishop's hospice in the parish of St. Mary Mounthaunt, London, a building of which only a little is known. The rector of St. Mary Mounthaunt had made encroachments on the premises, and claimed to be entitled to a pension from the revenues of the hospice. Eventually the dispute was submitted to the arbitration of the mayor, who decided against the rector, but in view of the facts that the parish was poor, and the hospice, which was the best and largest place in it, would if let to a merchant or good layman yield great profit to the church and rector, advised some annual allowance. In another document, where the hospice is described as commonly called 'the bishop of Hereford inne' (the only instance I have come across), Spofford leased the hospice to Thomas Thorpe, one of the king's remembrancers, on condition that he kept it in repair, with provision that the bishop might lodge there when he visited London, and have the permanent use of a chamber with a chimney by the gate and stabling for three horses; this is a typical example of the way in which the bishops often secured the maintenance of their London inns, or even turned them to a source of profit. Mr. Bannister justly calls special attention to a series of documents providing for the institution of the festival of St. Raphael in Hereford Cathedral, as of value to students of the old

English uses, because they show with unusual clearness what was the legitimate procedure in appointing new services, and as the only instance in which the actual authorship and appointment of any Hereford Service has been recorded.

C. L. KINGSFORD.

Akbar, the Great Mogul, 1542-1605. By VINCENT A. SMITH. (Oxford: Clarendon Press, 1917.)

Few only of the great figures in the political history of the Muhammadan world have succeeded in attracting much attention in modern Europe, outside the circle of professed orientalists. The personality of Saladin, it is true, made a lasting impression on the mind of medieval Christendom, and Lessing's drama and Walter Scott's novel later made the name of this chivalrous monarch a permanent possession of European literature. Tamerlane's name was better known to readers in the seventeenth than in the nineteenth century, and even Erskine's masterly edition of the Memoirs of Babur failed to win for this vivid personality the attention that it may well claim. The political history of the Muhammadan world would appear to be remote from the interest of the majority of historical students, and even in the case of India the number of Englishmen who have worked at the history of the various Muhammadan dynasties in that country has been singularly few, considering how closely the destinies of England and India have been bound up together for over a century. Such a lack of interest is especially strange in the case of the monarch whose biography has recently been written by Mr. Vincent A. Smith; though Tennyson wrote a poem on Akbar and Max Müller made him the subject of one of the most attractive of his shorter essays, no historian, with an adequate equipment of learning, has hitherto attempted to write his life, and the English reader has had to wait until now for a biography that at all rises to the dignity of the subject.

For Akbar was certainly one of the greatest rulers of the second half of the sixteenth century, and neither Philip II nor Elizabeth (she came to the throne two years after Akbar and predeceased him by two years), who alone among contemporary sovereigns have any claim to greatness, can rival him in originality or personal charm, or exhibit such a many-sided genius. He was great alike as soldier, administrator, and religious reformer. Born while his father was a discrowned fugitive, he inherited merely a small strip of country in the Panjab and had to fight for his kingdom against powerful rivals, and succeeding years were so taken up with the consolidation and extension of his conquests that in spite of his keen intellectual interests he never found time to learn to read; he established a system of administration which in several respects survives in the principles and practice of British officials in India to the present day (Mr. Vincent Smith gives the best account of it that has yet been written, illuminated by his own practical experience as a revenue officer); to Akbar's keen artistic feeling India owes a new architectural development and a new school of painting; to all these other activities he added the attempt to establish a new religion.

His contemporaries did not fail to recognize his greatness, and the

historical sources for his reign are more abundant and more strikingly varied than those for any other Indian prince. Foremost among them is the *Akbar-nāmah* by Abu'l Fazl, his close friend and private secretary, who writes of his royal master in terms of flattering eulogy, in striking contrast to the unsympathetic record by another of Akbar's officials, Badaoni, who entered the state service in the same year as Abu'l Fazl, but whose orthodox views made Akbar's religious speculations and latitudinarianism so abhorrent to him that his history had to be kept secret during Akbar's lifetime and even for some years after the succession of Jahangir. These two chief contemporary sources are supplemented by a number of other Persian histories, of which Mr. Vincent Smith gives a detailed and critical account in his bibliography. But in addition to these Muhammadan histories we have a mass of valuable material in the works of European writers who visited India in Akbar's reign or shortly afterwards, notably the Jesuit missionaries, some of whose accounts have only recently been made available and have not been used by any previous historian of Akbar's reign. With this extensive literature Mr. Vincent Smith deals in a scholarly manner, subjecting the varied and often conflicting evidence to a close scrutiny, and he has thus cleared up several points in the history of Akbar's reign that have hitherto remained obscure, as well as incorporated a number of details that previous English writers have failed to notice; he has also devoted particular attention to the chronology of the period, which none of his predecessors has succeeded in working out with the same careful accuracy. It might be doubted whether such a task could fitly be undertaken by an historian who consults the Persian sources through the medium of translations only, and Mr. Vincent Smith himself states that he has not read the letters of Abu'l Fazl, Akbar's secretary of state, nor those of Faizi, his poet laureate (p. 2), no translations of either having yet been published. Though such Persian sources as remain untranslated may be scanty and of secondary importance, any source of information regarding so great an historical figure as Akbar is deserving of attention. The version of Asad Beg's memoirs, made by Mr. B. W. Chapman, which Mr. Vincent Smith states (p. 462) he has been unable to trace, is in the library of the British Museum (Add. MS. 30776), where there is also a manuscript of the original Persian text (Or. 1996); the materials are thus available for the publication of the complete work which Mr. Vincent Smith recommends. Another task for the student of this period is the preparation of a critical edition of the text of the *Ā'in-i-Akbarī*; admirable as Blochmann's edition of the text and his translation are he was hampered by the unsatisfactory condition of the manuscripts available to him, and some future editor working on more reliable copies may succeed in clearing up the obscurities of the text.

It is to be hoped that this admirable book will receive the attention it merits from the Indian Universities, which would do well to recommend it to their students as a pattern of modern critical methods applied to Indian history; they will find much to learn from the author's discriminating use of authorities, the wide range of his reading, and his sound and well-reasoned conclusions.

T. W. ARNOLD.

The Divinity Principals in the University of Glasgow, 1545-1654. By the Rev. H. M. B. REID, D.D., Professor of Divinity in the University of Glasgow. (Glasgow: MacLehose, 1917.)

DR. REID'S work is, as he tells us, biographical not historical. His purpose is to make known something of the personal life and work of his predecessors; and in the present volume he treats of a group of six who combined with the office of professor of divinity the office of principal of the university. Till this purpose is made clear the extreme dates of his title are somewhat perplexing. The earlier of the two is the date of the birth of the first-born of the six, the later that of the death of the last survivor. It may fairly be said that the most interesting parts of his work are those which deal with the career of his heroes during those years of their several lives in which they were not divinity principals. For it was necessarily the fate of a divinity principal to be entangled in the ecclesiastical controversies of his time in such a way that escape was difficult. With the single exception of Andrew Melville, into whose mind the possibility that he might be mistaken seems never to have entered, and who was at least too honest to say one thing when he knew that he meant another, every one of the six seems to have spent a considerable part of his time as principal in the process of endeavouring, in one matter or in another, to sit solidly upon two stools: and the attitude, even when, as in the latter part of the sixteenth and the first part of the seventeenth centuries, it has been widely cultivated and carefully practised, is never really attractive. The more interesting side of the book is that which illustrates the position of the Scottish scholars on the continent, the relations between French and Scottish Calvinism, and the occasional attempts made by some *anima naturaliter Christiana* to mitigate the harshness of the theories in which he found himself involved.

The opinions of the six divines, and more especially those opinions which they maintained during their sojourn abroad, and the processes of reasoning by which they justified their actions, were to a great extent set forth in the Latin of their time. Dr. Reid has, in mercy to his readers, supplied the place of their discussions by an English paraphrase and abridgement. This is readable, and his readers if they are content to take the paraphrase as accurate may well be grateful to him. But implicit confidence in his powers and in the consequent trustworthiness of his paraphrase or abridgement is rendered a little difficult when it appears, as on p. 87, that he supposes *ampullas* (used of the arguments of a *retorculus*) to be rightly translated by 'crockery', and that he understands that 'tickets' at a price limited to 16 pounds Scots (£1 6s. 8d. sterling) were distributed under the name of *chirothecae* to certain visitors of special dignity at university entertainments. But the uncertainty which such things beget will probably not much vex those who reflect that the author may in spite of them have a thorough knowledge of the more essential matters required for paraphrasing and abridging the controversies of French Huguenots. And it is perhaps unlikely that any reader will find the interest of the discussions so intense as to be driven into the wilderness of the original documents.

H. A. WILSON.

The Beginning of English Overseas Enterprise. A Prelude to the Empire.
By Sir C. P. LUCAS. (Oxford: Clarendon Press, 1917.)

THIS little book is a helpful contribution—none the less welcome because of the modesty of its scope—to a much neglected subject. It is, perhaps, scarcely accurate to say, as the author does, that the subject has been minimized or ignored. It might even be argued that excessive stress has been laid on the importance for early commercial history of the Staplers' and the Merchant Adventurers' Companies; and that the less officially recognized and controlled but more spontaneous and vital forms of commercial enterprise have been 'minimized or ignored'. But this overstress is quite compatible with and is indeed the direct consequence of neglect, in the sense of insufficient study of the subject. It is a reproach to British scholarship that most of the work in this field has been left to German, Dutch, and American scholars, to Professor Schanz, whose *Englische Handelspolitik* (1881) with its excellent collection of materials is still the only authoritative source of Early Tudor commercial history, to Drs. Lingelbach, Van Brakel, Te Lintum, Ehrenberg, and Hagedorn, to Professor Cheyney of the University of Pennsylvania and his pupils.

The main aim of the book before us is to give in a succinct and convenient form an account of the much-discussed origins of the Staplers and the Adventurers, and in this it is eminently successful. Sir Charles Lucas has made effective use of Professor Tout's recent chapter on the Staple under Edward II and of Dr. Lingelbach's studies on the Merchant Adventurers, as well as of the older collections of records. He has not attempted to handle the great mass of new materials now accessible in the Calendars of Patent and Close Rolls and of other State Papers. To have done so adequately would have required many stout volumes; and within the limits he has imposed on himself a substantially accurate account has been given of the constitutional history of the Staplers and the Adventurers. In laying claim, as at a later date each of these companies did, to the same origins they were both probably right, and in disputing, as each of them did, the claims of the other they were both probably wrong. The first charter claimed by both—that of John II of Brabant dated 1296—was not granted to Staplers or Adventurers as such, but to 'English merchants and others of whatever realm'; but the grant was almost certainly associated with the beginnings of the foreign staple, which was transferred from Antwerp to Bruges and afterwards in a modified form to Calais. On the other hand, it is very probable that the fraternity of St. Thomas à Becket, which did not become known as the Merchant Adventurers' Company till late in the fifteenth century, had maintained a continuous existence since 1296, and that it had played a leading part in securing the charter of that date. Not quite so adequate an account is given of recent work in the case of the Adventurers and of the Eastland Company as in that of the Staplers. Dr. Ehrenberg's *Hamburg und England* and Dr. Hagedorn's *Ostfrieslands Handel und Schiffahrt* might have been consulted on the settlements at Hamburg and Emden; and a very full account of the origins of the Eastland Company, by Dr. N. R. Deardorff, is to be found in a volume of

Studies in the History of English Commerce, published by the University of Pennsylvania.

A more serious defect is one not justly chargeable upon the author, since it is derived from the authorities on which he had to rely. It lies in the want of a really critical estimate of the larger significance for economic history of the Staplers and the Adventurers. The *raison d'être* of the Staplers' Company and of the Adventurers as chartered in 1564 was fiscal—the collection of heavy export taxes and the supply of loans in advance of this taxation. The monopoly they enjoyed, which furnished at once a condition and a motive for the fulfilment of those functions, was totally incompatible with those national objects which it has been usual to attribute to these companies. That the Staplers did not expand English trade is clear. In their hands the wool export sank from thirty thousand sacks per year to three thousand. Of this decline, however, monopoly and heavy taxation were not the sole causes. The case of the Merchant Adventurers is more striking. At the moment they attained monopoly the cloth trade was rapidly expanding, but if it continued to expand it was in spite of their persistent and strenuous efforts to restrict it. They rigidly limited their membership, set a stint on the trade of each member, and repressed the enterprise of younger members who wished to open new markets. Believing that foreign trade was a fixed quantity they advised the government to enact laws to limit the production of textiles. The Adventurers, moreover, became the parent of other companies which similarly monopolized other fields of commerce hitherto free to all Englishmen, and they furnished a fatal precedent for chartered monopoly in industry. The statement, therefore, that 'they were linked together to uphold a trade . . . and that trade was a national trade—the greatest industry in England', and that 'they embodied the rise of the English merchant, the supplanting of the foreigner', whilst in full accordance with mythological tradition is in flat contradiction to the facts.

Nor is there any reason to suppose that the chartered monopoly company is 'a form of co-operation between State authority and private enterprise . . . which the English above all nations devised and perfected'. Roman *publicani*, Genoese exploiters of the Levant, and Portuguese man-hunters on the Gold Coast had used it with results not unlike those that roused the reforming zeal of Clive and inspired the eloquence of Burke. Whatever imperial virtues of a higher kind modern chartered companies may have developed in British hands are not due to anything these companies have in common with the Merchant Adventurers and the Staplers.

GEORGE UNWIN.

Short Notices

PROFESSOR J. P. POSTGATE'S *Lucani de Bello Civili Liber viii* (Cambridge: University Press, 1917), both as a school-book and as a scholar's commentary with fuller and better notes than school-books always have, falls somewhat outside the scope of this Review. We notice it because it contains also a longish introduction of nearly a hundred pages, dealing in minute detail with the last days of Pompey the Great, from the morrow of Pharsalia till his murder ten weeks later on the coast of Egypt. This is historical matter, and though one may wonder whether the flight of a hopelessly beaten general possesses quite the historical importance to justify so long a dissertation, it is proper to warn any possible students that they should not omit, at need, to consult it. Dr. Postgate has examined Pompey's movements with much care, and with a minute comparison of the original authorities, and of Lucan's own narrative. I do not know that the result tells us much more than Mommsen compressed into four octavo pages without any quotation of authorities or discussion of difficulties. Still, it is fashionable at this moment to deal with comparatively small matters of ancient history—the exact circumstances of Caesar's murder 'on the bridge', and so forth—and if they are dealt with minutely, as minute things can alone be treated, there is something to be said for Dr. Postgate. One point, in spite of his length, he seems to us to have overlooked, the exact reason why Pompey, in his flight, chose—if he chose at all and did not rush headlong—the exact route which he took. It was not exactly the direct route from a Thessalian port to his goal, Alexandria, to circumnavigate Athos, to wind round the sinuous coast of Asia Minor, till he could reach Cyprus, and thence to cross the sea to Pelusium. How far were the peculiar winds of the Aegean responsible for this *détour*? When the Athenians sent ships to Egypt they appear to have sailed direct. Geographical possibilities and probabilities are involved here, which perhaps no writer on the subject has fully considered. Nevertheless it is proper to express gratitude to the professor for his careful study in historical miniature, and for the sound and accurate philological scholarship which marks all Dr. Postgate's work on classical literature. F. H.

It is a difficult undertaking to cover the first three centuries of Christianity in 150 small pages, and Mr. R. Martin Pope, though there are serious faults in his *Introduction to Early Church History* (London: Macmillan, 1918), has done it not unsuccessfully. He does not generalize; in fact, in his effort to say something on every subject and every author, he falls at times into the opposite extreme. His avowed aim is to give a 'series of impressions', and no impression can be given by a few meagre

and colourless details about each of the minor writers and topics. Nor is it possible to escape the doubt whether he is really familiar with his subject. The 'most useful works of reference accessible to English writers' form his bibliography, and (it is to be feared) his library. No book on Roman criminal law is included; and, since space allows no more, the mischief wrought by this lacuna in his presentation of the persecutions shall be pointed out. He says that Christians might often escape, for 'a local magistrate might easily be of a tolerant disposition—a Gallio in fact'. No such instance is known, nor was such toleration possible. Save in the few years when the central government took action against the Christians, and the comparatively rare occasions of popular violence, their sole protection was the requirement, regularly enforced, of an individual accuser, who was prepared to run the risk of punishment for calumny in case the accused denied his faith. If the accusation were brought the judge in the ordinary course of his duties had to hear the case, and if the Christian were convicted the only sentence he could pass was that of death or of a punishment legally equivalent to death. His own temperament made no difference whatever. Mr. Pope has been misled in this and in some other instances by considerations of general probability, which specific knowledge would have corrected. But he has written an interesting little book, animated by an excellent spirit and showing evidence of intelligent though not quite adequate study. E. W. W.

M. Eugène Pittard, professor of anthropology at Geneva, who has spent several years in travel and study in Rumania, and especially in the barren Dobrudzha, has given a popular sketch of that kingdom under the title of *La Roumanie* (Paris: Bossard, 1917). A few historical opinions of interest are scattered about the volume; thus the author's special studies have led him to the important conclusions that there is very little Roman blood in the modern Rumanians, that Dacian and Slav influences were considerable, and that the people did not flee in mass before the barbarian invasions. He found the purest blood in Little Wallachia, and is enthusiastic about the Dobrudzha, the horrors of which he believes Ovid to have exaggerated intentionally. He also makes some interesting remarks about the small Rumanian colony in Istria. His fifty photographs are excellent. W. M.

In his admirable study, *Benedict IX and Gregory VI (Proceedings of the British Academy, vol. viii)*, Mr. Poole has brought the construction of a critical account of the dark Tusculan period of the papacy some way nearer completion. The subject is obscure, partly through the scantiness of contemporary evidence, partly owing to the rapid growth of partisan legend, which has only slowly been cut away. Yet by an intensive cultivation of the material fresh results can be won even from the most barren period. Mr. Poole shows that the usual version that there were three rival popes co-existing at the same time, whom the Emperor Henry III had deposed in 1046, is a mere popular tale given out, he considers, by the imperial entourage, for Benedict IX had abdicated and the anti-pope Sylvester III (John Bishop of the Sabina) had abandoned his claims. In fact, at Sutri

the reigning Pope Gregory VI was deposed for simony, and at Rome the ex-Pope Benedict IX was also deposed, presumably because the validity of his abdication was considered doubtful. It would be a natural source of the tale of the three rival popes, although Mr. Poole doubts the fact, if Sylvester III was also, somewhat superfluously perhaps, condemned at the Synod of Sutri in order to clinch the proof that he was no pope; and this would explain the new Pope Clement II's expression *explosis tribus illis* with reference to Henry III's proceedings. Mr. Poole further makes it probable that the Tusculan popes, though no model ecclesiastics, have been painted in over-dark colours; and gives an explanation of the descent of Gregory VI and his connexion with Gregory VII, which satisfactorily combines the available evidence. In an appendix he solves the problem of the relationship of the Tusculan house, and hence of the Colonna, to Prince Alberic by a slight emendation of a charter from Subiaco, which carries conviction with it. An error, however, has slipped into the genealogical tree he gives with regard to a subordinate personage. Bertha, daughter of the Senatrix Marozia, evidently had Marozia's second husband, Guido of Tuscany, for her father, not King Hugh, since Liudprand's verses (*Antapodosis*, iii. 44) prove that issue of Guido by Marozia survived, and there is no hint in the sources of any children of Marozia by Hugh.

C. W. P. O.

The *Description of Manuscript Garrett Deposit 1450, Princeton University Library, together with a collation of the first work contained in it, the de Arca Noe of Hugo de Sancto Victore*, by Dr. Charles Christopher Mierow (Princeton, New Jersey: reprinted from the Transactions of the American Library Institute, 1917), is a painstaking account and collation of a twelfth-century manuscript of Hugh of St. Victor's treatise, *de Arca Noe*, now in the Princeton University Library, by the Professor of Classical Language and Literature in Colorado College. It is indeed almost too painstaking, for it was certainly not worth while to enumerate the instances on each page of *e* for *ae*, *ch* for *h* in *michi* and *nichil*, and of other spellings which, while varying from those which we should employ in writing Latin, were in regular use at the date of this manuscript. Professor Mierow has also added to his task by using the particularly incorrect 1880 reprint of Migne's *Patrologia Latina*, which contains a great many blunders absent from the 1854 edition. Of the 'self-evident misprints' given on p. 15 none that we have looked up exist in the earlier issue. The following notes may be added. P. 1, *dos* l. *duos*; *vi* l. *vii*; *obviantibus* should not be queried. P. 3, f. 52. 6, *repugnamus* l. *pugnamus*; *decescit* l. *decrescit*; *proclamant* l. *et amant*; *imventus* l. *iuventus*. P. 4, f. 53 a, *propter* l. *praeter*. P. 6, *Retractio* l. *Retractatio*. There are only three degrees of humility recognized in the treatise as given in Migne; the additional nine are no doubt put in to make as many degrees of humility as of pride. P. 8, f. 122 a, *sepuma* l. *septima*. P. 18, col. 629. 16, *katectum* is of course the right reading; *κάθετον* is the regular Greek word for 'perpendicular'. P. 23, col. 681. 26, 'Ductoris (l. Doctoris) error' is only the editor's correction of Hugh. But he has misunderstood his text; *c* here is meant for the last letter of $\chi\rho\varsigma$. P. 24, col. 687. 20, *Linus* et

ceteri. The text followed in Migne writes out, as Professor Mierow notes, the list of popes as far as Honorius II, who was probably reigning when the book was written. He died in 1130 and Hugh in 1141. The omission of Linus in Migne may be a misprint. Professor Mierow does not mention any variant from Migne's text in respect of *hypotemisa*, col. 629, or of *typho*, col. 656; but the right readings must be *hypotenusa* and *typho* respectively.

C. C. J. W.

The Pipe Roll Society, in issuing the roll for the last year but one—the 33rd—of Henry II's reign (1915), announce that although the roll for the 34th year has been transcribed the printing is postponed 'until the very high prices prevailing during the war are moderated'. Dr. Round, in his introduction to this volume, has given an exhaustive account of the contents of the roll. He calls attention to naval and military affairs as illustrated by it; there is information about the king's ships and the king's army, and particularly about the sorts of troops the king employed and the way in which their services were rewarded. The most important feature in the present roll is perhaps the official information it supplies about the 'great scutage of Galloway' and the accompanying tallage which had been raised in view of the king's projected expedition against Galloway the year before. This enables Dr. Round to correct the published text of the Red Book at many points and to add some interesting details about scutage in general. Dr. Round has also a good deal to say about the royal castles and those temporarily in the king's hands, a subject on which we propose to write more at large in a note to be printed in a future number of the Review.

G. L.

Mr. R. G. D. Laffan has done well to publish under the appropriate title of *The Guardians of the Gate* (Oxford: Clarendon Press, 1918) the historical lectures on the Serbs, which he delivered to the companies of the Army Service Corps attached to the Serbian army in Macedonia. Although the book contains nothing new to students of Serbian history, it gives a very clear and accurate summary of that subject from the Turkish conquest down to the return of the reorganized Serbian army from Corfù in 1916. The author's personal knowledge of, and sympathy with, the Serbs greatly enhances the value of his book. For instance, it is interesting to know that the historic ballads of the Serbs find a modern parallel in the versified letters of the soldiers to-day (p. 24), just as the parliamentary debates of 1870 were reported to the villagers in poems.¹ Thus, too, the author has learnt the modern application of the legend about 'the bread of Kossovo' (p. 128). There is an excellent account of the growth of the Yugoslav idea, but to pursue that further would bring us into politics. The bibliography is full, but there is now a second edition of Yakschitch. 'July' (152, 156) should be 'June'. Admiral Troubridge contributes a preface.

W. M.

The Sicilian scholar, Signor Giuseppe La Mantia, whose treatise on the Greco-Albanian colonies of Sicily was reviewed in these pages thirteen

¹ Madame Mijatovich, *Serbian Folk-lore*, p. 23.

years ago,¹ has published with documents an essay on *La Secrezia o Dogana di Tripoli* (Palermo: 'Boccone del Povero,' 1917), during the Spanish occupation of Tripoli between 1510 and 1530, when Charles V ceded it, with Malta, to the Knights of Rhodes. The most interesting fact mentioned in the regulations of the Libyan customs' house is that, during this brief Spanish occupation, Tripoli depended on, and formed part of, the kingdom of Sicily, then in its turn ruled by a Spanish viceroy, just as, in the British Empire, certain colonial possessions depend on one of the great dominions. It is also noteworthy that Ferdinand the Catholic considered the coast towns of Libya only worth holding if the interior could be conquered, the opposite of the opinion now held by some Italian statesmen.

W. M.

In a *Chronique Latine sur le premier Divorce de Henry VIII* (Paris: Champion, 1917) M. Bémont has rescued from undeserved neglect a lively record of the events of 1528–36. The chronicle is preserved in MS. Lat. 6051 of the Bibliothèque Nationale at Paris, and was first heard of when it was 'founde in my house', according to the note of William Carter, a 'papist' printer hanged at Tyburn in 1584, 'among doctor Har[] writings'. The chronicle is evidently by a determined opponent of the proceedings of Henry VIII; and, from internal evidence, is assigned by the editor to May or June 1557. There were two 'doctors' of that date and that party whose names began with 'Har': Dr. Thomas Harding († 1572), chaplain to Gardiner and afterwards the opponent of Jewel, and Dr. Nicholas Harpsfield († 1575), archdeacon of Canterbury. M. Bémont has no difficulty in assigning the chronicle to Harpsfield, not least, because much of it was afterwards embodied in Harpsfield's lengthier and more prosaic *Treatise on the pretended Divorce* (edited in 1878 by N. Pocock for the Camden Society). M. Bémont gives us the Latin text, and a French translation, accompanied by valuable notes. There is also an introduction of no less value. It first treats of the manuscript, its date and authorship, and then gives a useful account of the larger material now accessible for the study of the critical part of the reign of Henry VIII—from archives and more or less contemporary chronicles, to Fox, Sanders, Burnet, Strype, and their modern and more critical successors. This part is brief but well done: it contains some valuable judgements on the events, together with exact appreciations of the point of view of the various writers. Nevertheless, the period is a very difficult one for a continental scholar, however dispassionate and well-informed, to follow. The technicalities of our constitutional history must be obscure to him; and, accustomed as he is to countries where there are only two forms of the Christian religion, catholic and protestant, he is apt to assume that the same violent contrast, as between white and black, prevailed here. This, of course, is the view of the chronicler, and the events he describes invite our sympathy with his view of them. But the opposition, in those days, was not between 'catholic' and 'protestant'; 'protestant' was the opposite of 'papist' and 'catholic' of 'heretic': so that it is misleading to describe the events of the Chronicle as 'les événements qui ont conduit l'Angleterre au protestantisme'.

¹ *Ante*, xx. 192.

Similarly misleading is it to speak of 'the Act of Supremacy' when what is meant is 'the Act of Supreme Head'; the Crown was always supreme, and what was new and short-lived was Henry's Headship. John Strype too was not a 'pasteur' but a priest.

B. J. K.

Dr. J. Spinoza Catella Jessurun's *Kiliaen van Rensselaer van 1623 tot 1636* (The Hague: Nijhoff, 1917) is a study of the aims pursued by that statesman in his scheme of North American colonization, the methods which he followed, the means of which he disposed, and the difficulties with which he had to contend, difficulties which at one time threatened to overwhelm the whole undertaking, but which in the end, thanks to his steadiness, tact, perseverance, and sanguine disposition, he triumphantly surmounted. The author deals in detail with both sides of the enterprise, that in Holland and that in America, showing in detail how colonists were recruited and efforts made to encourage agriculture and to increase the number of his stock. The latter was a very difficult matter, not facilitated by the right of the West India Company in whose ships his beasts were transported to throw them overboard or eat them in case of necessity: in 1631 of eight calves shipped to New Netherlands two died on the passage and two more on arrival. The arrangements for administering the colony are described, and stress is very properly laid on the justice and good sense of Van Rensselaer in insisting that the Indians must be fairly treated. But he was, in fact, though an energetic, a conciliatory man, for he was equally insistent on the need for his people keeping on good terms with the Company's servants, and for their rendering each other assistance. Special attention is devoted to Van Rensselaer's relations with the Company, which were not always very happy, for while he was set on colonization the Company and their supporters in Amsterdam cared for little but dividends. The book is clearly written, and is evidently based on a careful examination of original documents. It is Dr. Jessurun's view that there is considerable scope for a more extensive investigation of the original documents left by Van Rensselaer than is possible in the limited study here presented.

H. L.

Professor Firth contributes to nos. 7 and 8 of *History* (October 1917 and January 1918) a valuable analysis of the sources of our information as to the expulsion of the Long Parliament on 20 April 1653. A close comparison of the evidence leads him to reject the conclusions arrived at by Professor Wolfgang Michael. There are important criticisms of the value of the different authorities, especially of the limitations on that of Whitelocke's *Memorials*.

O.

The first volume of Dr. Arthur W. Calhoun's *Social History of the American Family from Colonial Times to the Present* (Cleveland, U.S.A.: Arthur H. Clark, 1917) covers the colonial period, and the second and third volumes are to cover the period from independence to the Civil War and the last fifty years respectively. One approaches with some diffidence a work which the author assures us is 'the most complete, fundamental, and authoritative treatment of the field that it covers', and could wish that

to these merits had been added a little more succinctness in treatment and a clearer focussing of conclusions. The results are hardly proportionate to the matter accumulated. But the subject is interesting and the author has worked through a good deal of material, though it is difficult to tell from his bibliography what he regards as 'source materials' and what as secondary authorities. His general conclusion is that the colonial family, both in New England and the South, was 'a property institution dominated by middle-class standards, and operating as an agency of social control in the midst of a social order governed by the interests of a forceful aristocracy which shaped religion, education, politics, and all else to its own profit'. He suggests that the liberty of the modern American girl is inherited from the freedom of colonial conditions, which prevented the seclusion of girls; and that the scarcity of capital in the colonies favoured the growth of a tendency to mercenary marriage. It seems clear that the conditions favoured marriage and early marriage, large families, and a high and free position for women, but the colonial family does not seem to have differed much from the English family at the same time. Social history requires an insight and discrimination in the selection and use of materials which we do not find in this work. We should have expected a careful study of colonial legislation on marriage, divorce, and inheritance, and of the growth of population, but we do not find these; and though the author collects information of interesting customs, and quotes freely to show the state of opinion on marriage and sex questions, he has not approached his subject, or handled his material, very scientifically, and he leaves the reader in the end in some doubt as to what are the results of his extensive researches. E. A. B.

It is generally believed that the principles of warfare are almost constant, while its technique is always changing. In England, however, military history is taught in as concrete a form as possible. No great value is attached to generalizations as to the qualities required in an ideal commander of men. They are apt to be truisms. In France and Germany they loom much more largely in the soldier's literature, which quotes copiously from text-books on the military spirit. Thus the editor of *Le Traité de la Guerre en général* (Paris: Bossard, 1917) attaches a topical importance to his reprint of an interesting volume written by 'an Officer of Distinction' on the duties of all ranks in the army, and first published in 1742. It contains admirable advice as to the need to maintain the men's health and enjoyment of life, while explaining the necessity of strict discipline among the troublesome levies of that age in France. Of its observations, those treating on the utility of games before an offensive, on the certainty of punishment, and on the impossibility of expecting a general to control an action when once it has been launched, are of the most practical value. The writer commented on the inimitable docility of German armies. G. B. H.

M. A. Perroud explains in his introduction to *La Proscription des Girondins* (Toulouse: Privat, 1917) that he has not attempted to discuss the cause which led to the fall of the party, but simply to trace the stages in the proscription of the 191 individuals whom he includes as belonging

to the group, from 15 April 1793, when the first list of 22 names was laid before the Convention, down to the recall of the 23 survivors on 8 March 1795. The book, therefore, is little more than a series of dates and nominal lists, though M. Perroud permits himself a digression of one chapter to discuss the delay during the winter of 1793 to 1794 in the execution of the Seventy-five, while Robespierre used them as pawns in his game against the Hébertists. The lists are compiled with great care, and the ultimate fate of every Girondin is shown, but the effect is somewhat bewildering, and the changes in the lists appear unaccountable. M. Perroud says that, as he was unable to work in Paris, he had to rely on M. Tuetey's monumental work, and not on the original documents in the Archives Nationales. The book, in fact, is a rearrangement and restatement of published material, and though useful to the student for purposes of reference will not add to his knowledge. M. A. P.

In the second volume of *Germany, 1815-1900*, by Sir Adolphus William Ward and Professor Spenser Wilkinson (Cambridge: University Press, 1917), the joint authors have dealt with a period (1852-71) covered by the recollection of persons now living and with events grander and more impressive than any recorded in the former volume. The Master of Peterhouse confines himself to political history, leaving Mr. Wilkinson to describe the three wars which prepared the union of Germany under Prussia. The Master's narrative is perhaps the most striking example in historical literature of that serene detachment, of that absolute impartiality so often praised and so rarely attained. From first to last we have not found a single reference to the present war or a single phrase coloured by the fact that Germany is at this moment the mortal enemy of Great Britain. Bismarck's career is sketched as calmly as though he had lived two thousand years ago, and the incident of the Ems telegram is told with an equity verging upon indulgence. As in the former volume, so in this, the writer's wealth of knowledge makes itself felt on every page. And with the two great virtues of knowledge and impartiality certain little failings reappear. As before the Master seems now and then to forget how little his public knows about persons and movements with which he is perfectly familiar. The style is somewhat drowsy and the reader occasionally finds an effort necessary to maintain his attention. The account of the scheme for the reorganization of the Prussian army (pp. 56-7) might have been made clearer. 'Art. III established a common indigenate in the whole Federal territory' (p. 358) may perplex persons acquainted only with the English tongue. We have noted hardly any slips. But the gates of the temple of Janus were, we believe, closed on the return of peace and not, as an allusion on p. 227 seems to imply, on the approach of war. Mr. Wilkinson has done his work admirably. The account of the Franco-German war, in particular, is a model of terseness and lucidity. The maps, it is true, are too small for their purpose; but adequate maps could scarcely have been provided in this volume. F. C. M.

The *Life and Letters of Thomas Hodgkin* (London: Longmans, 1917) give a picture of a man of great nobility of character and of rare personal

charm ; and Dr. Hodgkin's many friends will be thankful to Mrs. Creighton for the skill and judgement with which she has arranged her materials. To some it may perhaps seem that the domestic letters are given in too great abundance ; for, beautiful as they are, they necessarily repeat a good deal. It might have been thought that Hodgkin's power of observation, his fondness for comparing historical sites, his keen interest in life and action, would have come out specially in the letters and journals written during foreign travel. But of these Mrs. Creighton has made sparing use. It seems to have been a visit to Rome in 1870 that determined the future course of his main historical studies (p. 82), though there is a hint of it in the previous year (p. 100). In 1873 he proposed to write a history of Italy from Theodosius to modern times in nine volumes (p. 101). This vast design was actually carried out so far as the number of volumes is concerned ;¹ but *Italy and her Invaders*, the publication of which began in 1880, stopped short at the death of Charles the Great. Mrs. Creighton tells us that the first volume did not escape criticism, but she rightly dwells on the way in which Hodgkin gave life and colour to a history in many respects far remote from modern interests. She might have added that when Villari many years later wrote his *Barbarian Invasions of Italy* he mentioned his obligations to the works of various modern historians, 'and, above all, of Hodgkin'. Excellent as it is throughout, we think that the chief attraction of the *Life* is the picture which it gives of the Quaker society of the nineteenth century in its best form. Hodgkin, though at first not altogether happy in his relations to the communion in which he was born, grew to be the staunchest and most active of Friends, and his untiring work in this capacity was that probably by which he would have desired most of all to be judged. P.

Professor Firth's Creighton Lecture for 1917 has been published under the title of *Then and Now, or a Comparison between the War with Napoleon and the present War* (London : Macmillan, 1917). It gives an impressive description of the dangers which surrounded England in the early years of the nineteenth century and of the strongly expressed distrust of government. At the same time Mr. Firth points out how the great increase of taxation during those years was made possible by an immense development of manufactures and trade. The fluctuations of opinion about the war in the peninsula are strikingly illustrated, and the importance of Wellington's triumph in establishing 'an almost universal dread of any pretended peace with Bonaparte' (quoted from Lord Colchester's *Diary*) is given full emphasis. Our ancestors, Mr. Firth says, 'were tried by fiercer extremes of good and evil fortune than we have known, the burdens and perils which we have borne for three years they endured for seven times as many, and did not lay down their arms until they had attained the ends they fought for.' Q.

A series of lectures on *The Constitution of Canada in its History and Practical Working* (New Haven : University Press ; London : Humphrey

¹ They are nominally eight, but vol. i in the second edition was expanded into two substantial 'parts'.

Milford, 1917) by Dr. W. R. Riddell, a justice of the supreme court of Ontario, cannot but be of value and interest. It must, however, be confessed that the historical sketch contained in them adds little to our knowledge. The Proclamation of 1763 is considered without reference to Professor Alvord's convincing view with regard to its origin. By an unfortunate misprint Lord Grenville appears as Lord Granville. It is hardly as 'an inexhaustible well of fact' that we should have described the main value of Lord Durham's Report. It is curious to find a lawyer asserting that responsible government was granted by the Union Act, and it is perhaps a little out of date still to talk about the 'Ashburton Capitulation'. The lectures on 'The Constitution in its actual working' and on 'a Comparative View' (of the Canadian and American Constitutions) will be found of more importance.

H. E. E.

The Historical Register of the University of Cambridge, being a Supplement to the Calendar, with a Record of University Offices, Honours, and Distinctions to the Year 1910 (Cambridge: University Press, 1917) contains the older tripos lists now excluded from the annual *Calendar* and a great deal more. It gives us, for instance, the *ordo senioritatis*, a rudimentary honours' list, which runs from 1498-9, and a full catalogue of officers beginning, in the case of the chancellor, so early as 1412. There is also an admirable historical introduction, the notes to which furnish both instruction and entertainment: we only regret that it was necessary to print these in such small type. The revision of the work and in particular the identification of the names must have cost enormous labour. It has been most successfully performed, and all students of university history will be grateful to Dr. J. R. Tanner, the editor, and to those who have assisted him in his task, for the accuracy and completeness with which they have executed it.

R.

The *Publications of the Thoresby Society for 1915 and 1916* (vol. xxiv, parts i and ii. *Miscellanea*) contain much that is of interest for the history of Leeds and its district, in particular a *Rental of Leeds in 1425* very carefully edited by Mr. W. T. Lancaster. Some correspondence relating to the Maudes of Hollingshall from 1594 to 1599 printed in part i furnishes a text for a long and well-documented paper on the same family by Mr. Baildon in part ii. The most interesting contribution to English history is the paper by Canon A. Beanlands on *The Claim of John de Eston to the Albemarle inheritance in 1276* which enabled Edward I to secure the estates very cheaply. In part i are continued the Wills of Leeds and district, of the fifteenth and sixteenth centuries, and the not less interesting series of extracts from the *Leeds Mercury* for the years 1729-37.

S.

The issues of the Lincoln Record Society, 1917, comprise the *Parish Registers of Grantham, 1562-1632, and of Alford, 1538-1680, and of Rigsby (chapelry), 1561-1679*; and *The Visitation of the County of Lincoln, 1666*. The records in the Parish Registers are of the most meagre type. At Grantham, in baptisms, only the child's name is given down to 1572; afterwards, only the father's name is added. At Alford, the child's name and

the father's are given down to 1634, but afterwards the mother's name also appears. In marriages, only the names of the persons married are given. In burials, no note is made of the age of the deceased; but the father's name is generally given in the case of a child, and the husband's name in the case of a wife. The Register of Grantham appears to be in English throughout; that of Alford, only (as usual) during the Commonwealth period, 1652-60. Occurrence of plague in 1604 has a bare note at Grantham. Heavy mortality from plague, July to October 1630, is recorded at Alford. The existing Registers have been collated with, and their gaps filled up from, contemporary official transcripts, now in the Lincoln Diocesan Registry. The 1666 Visitation by Sir Edward Bysshe, Clarenceux King of Arms, is from the manuscript in the Heralds' College Library. It contains the descent, for four generations, of 79 of the gentry of the county. In many cases the arms claimed are not given. Anthony Wood has noted (*Life and Times*, ii. 152) that Bysshe's Visitation was 'a trite thing', carelessly conducted and incomplete. The volumes are edited in a most scholarly manner, with full indexes, and with introductions which sum up clearly, and amplify, the points of interest in them. They are admirable in respect of paper, type, and binding.

A. C.

The eleventh volume of the *London Topographical Record* issued by the London Topographical Society (17 Baker Street, 1917) includes a continuation of Mr. C. L. Kingsford's very valuable 'Historical Notes on Mediaeval London Houses'. We only regret that, no doubt by rule, he has accumulated his references at the end of each Note, instead of placing them separately at the points for which they supply evidence. Mr. W. W. Braines's paper on the site of 'the theatre' in Shoreditch satisfactorily settles a question about which there has been a good deal of dispute. The illustrations of buildings which have been recently demolished form an interesting feature in the *Record*, which might well be copied by other local societies.

T.

Mr. F. Heywood Summer's book on *The Ancient Earthworks of the New Forest* (Chiswick Press, 1917) is a companion volume to his work on the earthworks of Cranbourne Chase, and is carried out on the same lines. The author has made himself well acquainted with his material by personal visits of inspection, sometimes supplemented by slight excavations. The majority of the earthworks are naturally of prehistoric or Roman date, but the later examples have afforded an opportunity for bringing together a considerable amount of interesting documentary evidence of enclosures for plantations and the like within the limits of the Forest during the Middle Ages. The whole forms a useful compendium on the earthworks, which in each case are accompanied by a plan or sketch or both, in a style at once attractive and clear, from the author's own pen.

E. T. L.

The third volume of the Rev. H. E. Salter's *Cartulary of the Hospital of St. John the Baptist* (Oxford: University Press, 1917) completes a piece of solid and conscientious work which is a good model for the imitation of

local societies. It contains a preface to the whole book giving a history of the hospital compiled largely from the Patent and Close Rolls and from Twyne's MSS., which have preserved some writs of which there is no other known record. The text of the volume is devoted to the rule of the hospital, a list of the gifts of property to the hospital before 1246, an account of receipts and expenses for 1340, a magnificent series of Rentals from about 1287 to 1680, and the Fine Books from 1660 to 1870. There is also a survey of 1791. The appendixes contain lists of the Oxford deeds in the Cartulary and in the Magdalen College muniment room respectively and a most interesting paper on the architectural remains of the hospital by Mr. R. T. Gunther, based on the rough notes and drawings of J. C. Buckler, supplemented by the results of recent original observations. From a remark in the preface (p. xxiv) it seems as though the editor had not consulted the manuscript Calendar of Close Rolls of Henry III at the Public Record Office which fills up the interval between the printed Close Rolls and the Calendar beginning in 1272. The lack of information as to Corrodies is due to the fact that the requests for them being of a formal nature ceased to be enrolled. There are, however, at the Record Office a number of letters of excuse from religious houses which do not seem to have been examined. The rentals and fine books have been used to prepare a careful estimate of the fluctuations in the value of house property in Oxford, but this takes no account of changes in value of money due to the debasement of the coinage. The explanation of the system of fines and beneficial leases (pp. 329-37) is especially valuable, as this system, usually in conjunction with leases for three lives, was in general use at one time on most ecclesiastical estates and in the duchy of Cornwall. The appendix on the architecture is illustrated from Buckler's drawings and from Agas's map and an old picture of the college. It contains some curious details as to medieval sanitary arrangements. The index, though good, might have included a few more subject-entries, and it would have been well to give the modern as well as the ancient names of the streets mentioned. It is curious to observe that the garden of St. William's Hall (occupied by Exeter College) had already been lost by 1480.

C. J.

The patriotic piety of its inhabitants has furnished the sinews of war for Mr. J. C. Andersen to produce a *Jubilee History of South Canterbury* (Auckland, New Zealand: Whitcombe & Tombs, 1916) which contains a mass of information regarding the past of that small community. Unfortunately South Canterbury began its life more than a year later than the parent settlement, so that the book contains nothing regarding the romantic story of the Canterbury pioneers. It is the misfortune not the fault of Mr. Andersen that the great amount of material that he has collected refers, almost exclusively, to the bypaths of New Zealand history.

H. E. E.

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Centuriation in Roman Britain

REGULARLY owned and regularly surveyed land in the Roman Empire was, at least in theory, divided into rectangular (square or oblong) plots marked off by roads, paths (*limites*), or other visible signs. The plot unit was the *centuria*, an area connected by tradition with the infancy of Rome; but the tradition, like most traditions, has been cumbered with bad professional theory. To put it shortly, it seems that the *centuria* was in general a plot of 200 *iugera*, which formed 100 *heredia* in the earliest Roman division of land; land thus divided was called *ager limitatus*, or perhaps more commonly *ager centuriatus* (often plural, *agri centuriati*), by Roman writers on land-surveying. No specific directions seem to have been laid down as to what kinds of land ought to be 'limitate' or 'centuriate', but it is pretty plain that lands held under a proper Roman tenure or lands allotted formally by the Roman government to citizens must have been thus divided. It would follow that the *territorium* of, say, a provincial *colonia*—land originally set aside by the government as the estate of a town which was to possess municipal status and to be administered under a definite charter—would be centuriated when first surveyed and laid out.¹ For the rest, we must have recourse to archaeology, to provide examples illustrating the actual nature of the land-division and the extent of its survivals. Of these survivals some remarkable cases have been detected in Mediterranean countries, in which the boundaries of the Roman *limitatio* have survived sweeping

¹ I venture the caution here that Londinium was not a *colonia*; and we cannot assume for it a *territorium* with *agri centuriati*. There is no evidence that Romano-British towns, other than *municipia* or *coloniae*, had *territoria* apart from the cantons to which they belonged. Most towns in the Graeco-Roman world had 'territories'; whether the Celtic cantonal towns had, is not so clear.

changes of race, civilization, law, and government. The *limites*, or paths, which bounded the individual plots, seem to have been public paths, and, perhaps for that reason, have survived in some cases almost beyond belief. In Africa Proconsularis (Tunis), despite a Mohammedan conquest, despite complete changes in language, race, and civilization, many of the boundary paths made for the Roman land-divisions can still be traced on the actual soil, and there are there vestiges also, mainly epigraphic, of two great base-lines, *cardo* and *decumanus*, crossing at right-angles, on which the detailed land-surveying of the province, as a whole, was based. There was, in short, in Roman Tunis, a more or less systematic survey, which served as a basis of taxation, while the two base-lines formed a guide for subsequent *limitatio* of any special neighbourhood in it.²

In Italy survivals of Roman land-centuriation are naturally not rare. Among the most striking examples is the 'Graticolato' in the Po valley, which can (or could) be seen from the upper slopes of the Apennines, as you look out from them north-east over the flat Emilian plain. For instance, the modern map shows (Fig. 1) some 5 miles north-east of Padua a roughly square patch, about 6 miles broad and long, where the present roads and tracks offer the pattern of a singularly regular chessboard. Another, less perfect patch lies 6 or 8 miles east of Modena, on the north side of the Via Aemilia, in the same Po valley. Traces are also visible in Italy much further south, in the rich plain round Naples, Capua, and Caserta. In the rest of Europe they are rare; an inscription at Orange, in Provence, indicates³ that there, doubtless in the *territorium* round the *colonia* of Arausio, the land was centuriated, but no one seems to have detected any survivals of the ancient boundary paths or marks of *limitatio*. Nor do traces seem to have been detected elsewhere in Gaul, though Southern Gaul was thoroughly romanized and full of *coloniae*, and the continuity between Roman Gaul and modern France is very close. In Germany the only case yet noted seems to be a supposed survival of *limites* at Friedberg, in the Wetterau, which was adduced by Meitzen over twenty years ago; the

² This has been worked out for Roman Africa by (amongst others) Adolf Schulten (*Lex Manciana*, Berlin, 1897; &c.), by W. Barthel—whose death in war is no small loss to Roman historical studies—(*Bonner Jahrbücher*, cxx, 1911), as well as by the French scholar M. J. Toutain (*Le Cadastre Romain d'Afrique*, 1908, and other works); their views do not altogether agree in detail, but the differences do not here concern us. For *limitatio* near Capua (mentioned below in the text) see J. Beloch's *Campanien* (Berlin, 1879), and generally Schulten's *Römische Flurteilung und ihre Reste*, and his maps (Berlin, 1898). A complete map of the Po plain in Roman times would resemble the U.S.A. geological survey maps of many American States, save that the units involved are in the U.S.A. very much larger than those in Lombardy.

³ See my *Ancient Town-Planning* (Oxford, 1913), p. 107, fig. 21; or H. Stuart Jones, *Companion to Roman History* (1912), p. 22, fig. 5.

evidence for it is, to my mind, not at all convincing, though it has been accepted by the Reichs-Limeskommission.⁴

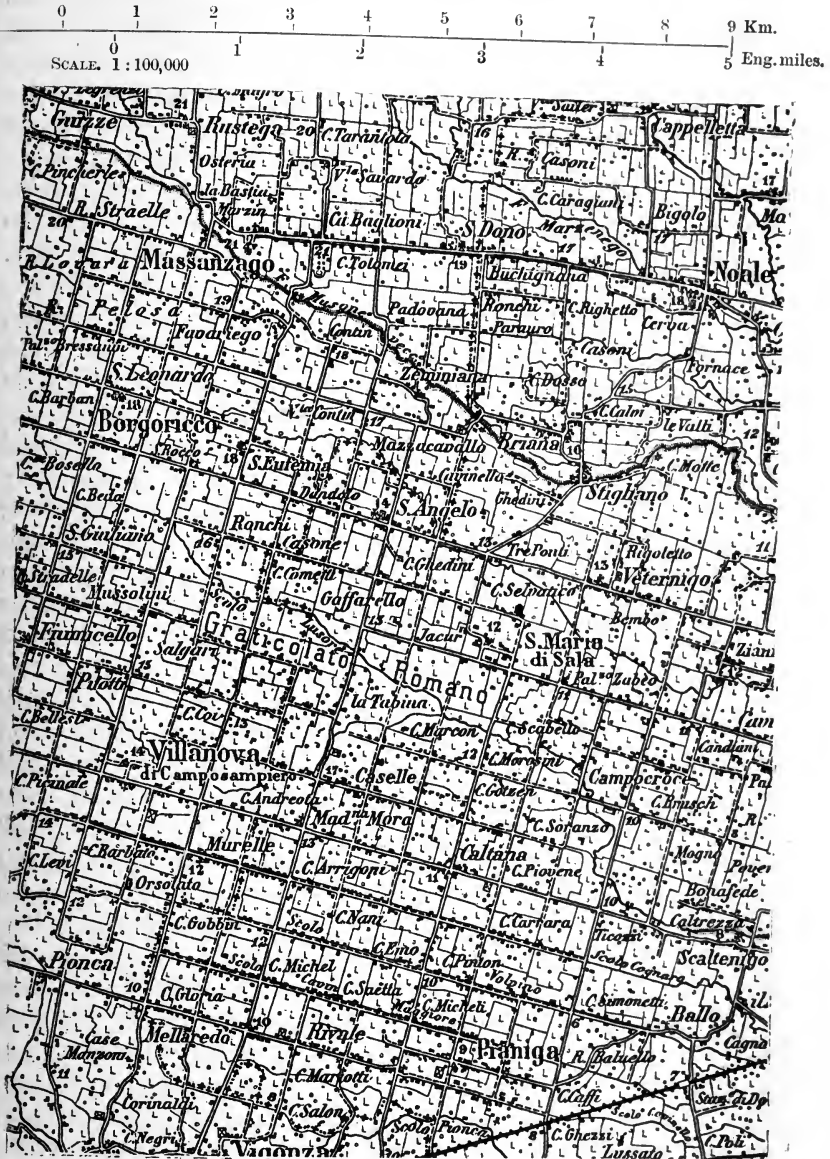


FIG. 1. TRACES OF CENTURIATION BETWEEN VENICE AND PADUA.

It will be noted that the centuriation north of the Musone stream is differently oriented from that south of it.

Numerous attempts have been made to detect centuriation, or something like it, in Britain. The old controversy, as to the

⁴ A. Meitzen, *Siedelung und Agrarwesen der Germanen* (Berlin, 1895), iii. 157; E. Schmidt, *Kastell Friedberg (Der Obergerm.-raetische Limes, Lfg. 39, 1913)*, p. 10.

continuity between Roman Britain and Saxon England, has naturally made some antiquaries keen to detect such traces—though, in reality, as I have pointed out, they prove little as to continuity of civilization. Mr. H. C. Coote, who died in 1885, in a treatise of which ingenuity and ignorance are about equally characteristic, tried to collect evidence, particularly from inscriptions, which he misinterpreted wholesale. For instance, a stone found at Manchester⁵ states that ‘the century of Candidus’—i.e. a company commanded by a centurion Candidus—built 24 ft. of the wall (a stone wall, as excavation has shown) round the Roman *castellum* there. It is an ordinary Roman military text, with hundreds of parallels, and it is simply a record of building work achieved by soldiers. In Mr. Coote’s hands it becomes a record of ‘the “centuria” or plot of Candidus, situated on the twentieth decumanal and the fourth cardinal line’.⁶ Since he wrote, many scattered attempts have been made to trace remains of centuriation in various parts of England. The late Liverpool antiquary, Mr. W. Thompson Watkin (1836–88), was particularly fond of discovering *botontini* (earthen mounds, marking boundaries) in his own district, Cheshire and Lancashire, although, according to Mommsen, these *botontini* were a local African peculiarity, which would not be expected in Britain.⁷ Ten or twelve years ago, Mr. H. T. Crofton again tried to point out ‘agrimensorial remains’ round Manchester; so far as I can judge, few of these remains are Roman, and none can properly claim to be ‘agrimensorial’. About the same time, Mr. Montagu Sharpe, now chairman of the Middlesex Quarter Sessions and County Council, issued two works,⁸ in which he tried to trace centuriation in his own county, near London. I do not think that he succeeded better than his predecessors; certainly his arguments on this point seem to me far less convincing than his attractive earlier theory concerning Coway Stakes and the place where Caesar may have crossed the Thames, and I cannot consider that he has detected real traces of centuriation surviving in modern Middlesex.⁹ The position, therefore, is that we have, so far, no trustworthy evidence for centuriation in Britain. So well as I can judge, all these attempts fail because they furnish no traces of roads laid out accurately straight, running in direct lines or at right angles. They unquestionably approximate to that, but they do not reach it and yield no more

⁵ *Corpus Inscriptionum Latinarum*, vii. 215. Found before 1607, now lost. First copied by Camden, *Britannia*, ed. 1607, p. 610.

⁶ *Archæologia*, xlii. 151 (1867); *Romans of Britain*, 1878.

⁷ *Roman Lancashire* (1883), pp. 223 ff., &c. For Mommsen’s view, see his *Gesammelte Schriften*, vii. 479.

⁸ *Antiquities of Middlesex* (Brentford, 1905); *Roman Centuriation of the Middlesex District* (Brentford, 1908).

⁹ See above, p. 289, p. 1.

than can be explained by chance. The straight line and the right angle are the marks which sunder even the simplest civilization from barbarism.

I wish here to put forward a suggestion as to a possible trace of the practice in Essex. I do not claim it as a clear proof, but merely as a possibility which I cannot explain otherwise, which needs an explanation, and which has, I think, not been hitherto adduced by any writer. It is, however, a mere fragment, a waif or stray from an older order which has otherwise perished. English history since about A.D. 400 has not been such that we could hope to find here any coherent survival from Roman days and ways. While, then, I believe that it is sufficiently distinct to justify my hypothesis, I warn the reader that it has not what might be called the rhetorical force of the survivals shewn in Fig. 1. I merely claim that unless we assume that, in the region in question, there once existed some such road-scheme, the traces visible to-day are not intelligible.

In Essex and the region of East Anglia, the main Roman centre was the municipality *Colonia Victricensis*,¹⁰ Camulodunum, situated where Colchester now stands. From this town a Roman road ran inland, due west for about 30 miles to the Hertfordshire border near Bishop's Stortford; it is traceable in the still-used highway called 'Stane Street'. About 15 miles west from Colchester, this road traverses the little town of Braintree, which has yielded a few rather insignificant Roman remains (coins, pottery, burials, &c.). Here another road running from north-east to south-west impinges on it from the north, and crosses it obliquely, running on south-westwards in the same straight line. This oblique road follows its straight line with almost mathematical precision. It starts 4 miles north of Braintree near Gosfield, passes through Braintree, and continues southwards, preserving the same straight direction for $7\frac{1}{2}$ miles more, near Beddalls End and the group of Leigh villages, to Little Waltham. It is difficult not to think that the whole straight line, nearly 12 miles in all, is perhaps Roman. Unfortunately, at each end, this straight line 'stops in air'. No Roman remains of significance are recorded as having been found near Gosfield, or near Little Waltham, nor can the straight section of road be traced further south or north. Yet a stretch of straight road 12 miles long requires explanation in England; unless other reasons for its straightness be discoverable, one has some right to consider it as likely to be Roman. In our island, straight roads of other than Roman origin seem to occur only in flat districts, such as the Fens, especially where a large tract of unenclosed or unoccupied land has been all in one ownership, and has been enclosed

¹⁰ *CIL*. xiv. 3955 (Dessau 2740).

or developed all at one moment, so that extensive roadmaking on a definite scheme might be required. Round Braintree, there is no record of any such activity, nor is the country here so flat as to have tempted English road-makers of any date to have constructed a long, direct road across it. Nor, again, does the road connect any two points of such modern importance that a piece of specific modern road-making might be expected here.¹¹

Moreover, the puzzle is not confined to this particular road. Eight miles west of Braintree, along Stane Street, is the little 'town' of Great Dunmow. Here again a road running from north-east to south-west impinges on, or perhaps rather, diverges from, Stane Street; from Dunmow it runs south-west through the district known as 'the Rodings', then, climbing out of the valley of the river Chelmer, it descends finally into the valley of the river Roding. All this lies south-west of Dunmow; but probably the road also ran north-east from Dunmow, towards Great Bardfield and Clare, and is connected with a medieval English road, or route, known to map-makers as Suffolk Way. But its traces here are dim and indistinct, and by no means accurately straight, and do not justify conjectures of Roman origin; in any case, this part is likely to have been, not a Roman but a medieval thoroughfare for monastic use, leading, perhaps, from London and its neighbourhood to the abbeys at Clare and Bury St. Edmunds.

However, the section south of Dunmow is clear to-day, in the form of a modern road, which for 5 miles, between the valleys of the Chelmer and the Roding, follows a true straight line. A straight stretch of 5 miles is hardly long enough to justify us in assuming without other evidence a Roman origin; but this stretch is not only straight; it is parallel with the other NE. and SW. road, which I have mentioned above as running from near Gosfield through Braintree to near Little Waltham. The distance between the two straight roads is, as I have said, about $7\frac{1}{2}$ miles (measured perpendicularly to each road). The parallelism of these two roads can hardly be accidental. A large landowner, laying out a considerable area on a great scale, might conceivably wish to construct two roads 8 miles apart, running mathematically parallel, the one straight for 5 miles, the other for 12. That would be done in accordance with a general road-scheme, applying to a whole area. Without such general scheme, the chances against parallelism occurring between two roads of the specified lengths and distance seem to be overwhelming. Now if the Braintree road be Roman, it would seem to follow that the Dunmow road

¹¹ See *CIL*. xii. 531, and pp. 65, 84. The Gosfield-Braintree-Little Waltham road is as old as 1602, as it is shown correctly in the map by Hans Woutneel, of that date. The Dunmow road appears correctly on the same map.

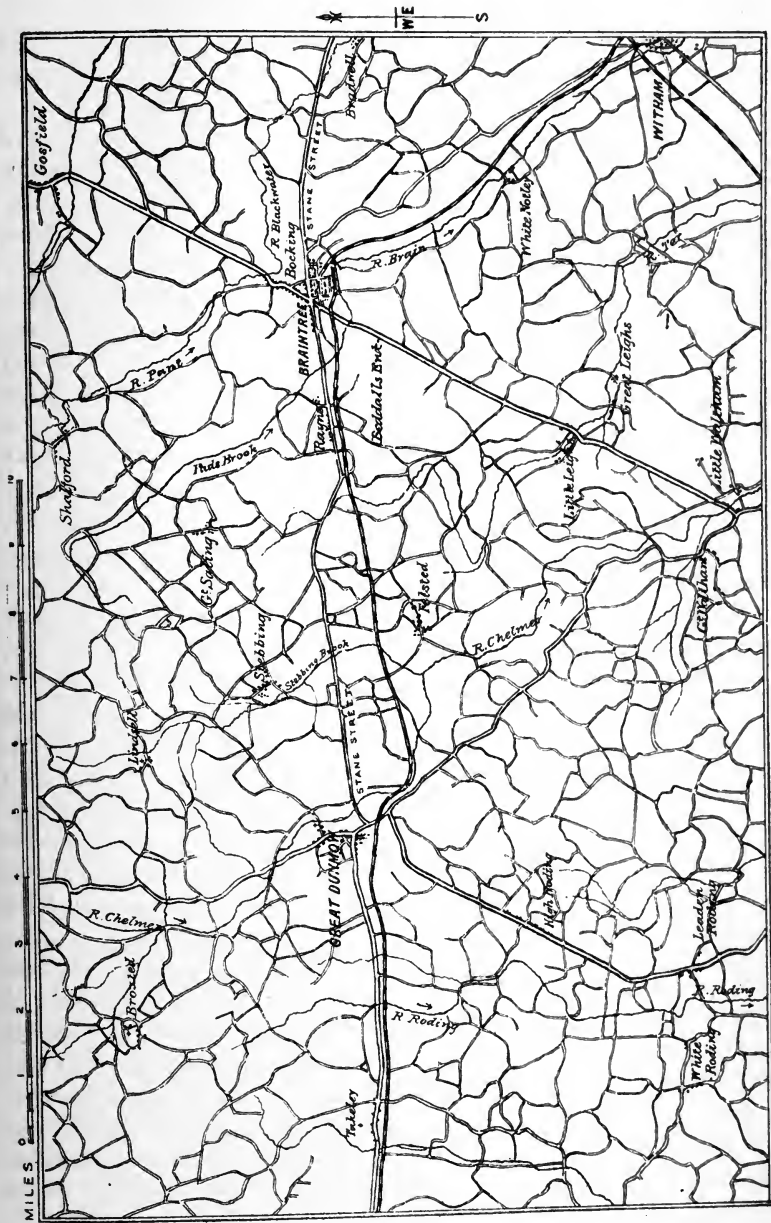


FIG. 2. ROMAN AND OTHER ROADS IN ESSEX (p. 293).

belonging to the same road-scheme would also be Roman. Braintree is 15 miles, Dunmow 23 miles, west of the *colonia* at Colchester. I suggest that, when Claudius founded this municipality, he provided it with an ample *territorium*, which stretched westward to Dunmow or even perhaps as far as the Stort at Bishop's Stortford, on the western limit of modern Essex.¹²

The *territorium* of Roman Colchester clearly cannot have stretched far to the east, for the sea is near, and an extension of 30 miles inland to the Stort does not seem an unreasonable allowance for a town to which its imperial founder, Claudius, attached much importance. Many Roman provincial municipalities seem to have had *territoria* as large as an average English county.¹³ If Colchester's *territorium* was bounded on the west by the Stort, the whole of northern Essex, at least as far south as Little Waltham, would have fallen within it, and would have been surveyed and centuriated on one general scheme. This would naturally give parallel *limites*; and two of these might easily survive the chances of time, and remain as waifs and strays in modern Essex. No one who has worked on the subject will deny the possibility of such sporadic survivals. The scantiness of our knowledge constantly forbids us to guess in detail why a road has survived in one place and vanished in another. In such cases, chance, the interaction of uncounted imponderable forces, works very freely, and we can seldom hope to analyse the result. We can only note what has happened. I here claim simply that (a) the parallelism of the roads noted above can only be explained if we assume some special process to have been at work; (b) the existence of the neighbouring *colonia*, 'Camulodunum', is indisputable; (c) the centuriation of its land within a reasonable distance of it would provide a quite possible reason for the parallelism of roads; and lastly, (d) that such centuriation of its land is what we should otherwise expect.

If this be so, do any conclusions follow respecting Roman Britain? I cannot affirm that they do. As I have said above,¹⁴ the boundaries of Roman centuriate land have in modern Tunis survived all manner of violent historical changes. No one would allege that the civilization of modern Tunis has real connexion with that of Roman Africa Proconsularis. And the fact, if it be a fact, that in one part of England a singular survival remains, does not prove that the people of eastern Essex have any special continuity with Rome.

F. HAVERFIELD.

¹² I have no archaeological evidence to support this guess. I select the Stort since it is the first natural boundary which would confront any one journeying due west from Colchester along Stane Street.

¹³ See *CIL*. xii. 531, and pp. 65, 84, &c.

¹⁴ See p. 290.

The Early History of the Merchants Staplers

THE Company of the Staple was the oldest trading company in England. In the time of Mary and Elizabeth, when the great London regulated companies dealt with sovereigns almost as equals, the merchants of the staple were among the richest in London. After the loss of the staple port of Calais, however, the company could hardly maintain itself; and as a consequence it soon lost ground before its still prosperous rivals, the Merchant Adventurers. Although existing in name at least down to our own days, the Company of the Staple ceased to have any influence upon trade after the civil war. But before that there were three or four centuries when the merchants of the company were the most powerful in the kingdom, when they helped to determine matters of national policy, and laid the foundation for England's future greatness in foreign trade. The history of the Company of the Staple thus belongs to the period of transition between medieval and modern times, when it was one of the forces helping to mould the economic life of the nation.

In spite of its manifest importance and of the fact that every writer dealing with the fourteenth and fifteenth centuries must continually acknowledge the influence of the company, our knowledge of the history of the merchants of the staple is still very imperfect. A chapter of Georg Schanz's *Englische Handelspolitik* is devoted to its later history and describes the bitter losing struggle with the merchant adventurers in the time of Henry VII.¹ This account followed another history of the earlier period by W. von Ochenkowski.² But in both cases more attention was paid to the development of trade than to the organization of the company. Charles Gross dealt with this latter phase of the subject in a section of very great value.³ But he did not answer the questions which he himself raised as to the relation of the staplers to their rivals, the merchant

¹ *Englische Handelspolitik gegen Ende des Mittelalters*, i. 327-51 (Leipzig, 1881).

² *Englands wirtschaftliche Entwicklung im Ausgange des Mittelalters*, pp. 187 ff. (Jena, 1879).

³ *The Guild Merchant*, i. 140-8 (Oxford, 1890).

adventurers, or to the older organizations of the gild merchant. The relation of the company to the home staples is another interesting problem on which his discovery of contemporary rolls has thrown some light.⁴ A recent dissertation by Miss A. L. Jenckes has also brought together facts and documents valuable for a more complete history of the company.⁵ All these accounts, even that of Gross, dwell chiefly on the history of the staplers and the development of the company after the middle of the fourteenth century, when it was already of national importance and had assumed its mature form. But the events and forces that brought it into existence, shaped it to the later characteristic semi-official duties, and gave it the monopoly of the woollen trade, have not been so clearly worked out.

The Company of the Staple, by its first known charter of 1313, was given control over all export of staple wares, chiefly wool, hides, and tin, to the Netherlands.⁶ All goods exported from England were to go from an English staple port to a mart town on the Continent. The collection of the king's customs on staple wares was to be made at these ports, the royal collector acting with the representative of the merchants. For the greater part of the fourteenth century the foreign staple was at Bruges, although it was frequently transferred for short periods of time. But after the capture of Calais in 1347, the advantages of the older staple were less obvious. Being on the Continent, yet under English government, Calais did not suffer from divided interests in trade and could offer greater convenience for the collection of customs than a foreign city. After several experiments, therefore, the staple was finally fixed at Calais in 1373, and remained there until the loss of the city in 1558. Meanwhile the merchants of the company, mostly rich Londoners, under stimulus of the demands of Flemish weavers, saw their trade increase to national importance. But the growth of the English woollen manufacture by the end of the fourteenth century began seriously to threaten their business, and as the merchant adventurers' trade in manufactured cloth improved, the trade in raw wools diminished. An attempt of the staplers to secure part of this new trade, alleging an earlier right, brought on a long struggle between the two companies in which the staplers were finally worsted. This struggle and the defeat of the staplers was largely decided during the reign of Henry VII. It was, therefore, to a company of already decaying fortunes that the loss of Calais dealt almost a final blow. Although the merchants claimed a certain pre-eminence in trade down to the time of the civil war, their importance had long been a thing of the past.

⁴ *The Gild Merchant*, p. 141, note 2.

⁵ *The Staple of England* (Philadelphia, 1908).

⁶ Printed *ibid.*, pp. 61 f.

The history of the merchants of the staple is therefore one of a long decline. The great Statute of the Staple, passed in 1353, shows the organization in its prime, more powerful than it ever was afterwards, when its trade was not yet seriously threatened by the merchant adventurers and the latter company had hardly more than taken shape. This statute is a landmark in the company's history: it settled the power and functions of local staple ports, of officers, and of courts, and was therefore authoritative whenever staple regulations were in force. From that time also the position of the company was fixed and stable and its organization was to a large extent settled. But what was the history of the company before the statute? Did the organization then show growing functions and increase of powers?

The Statute of the Staple, representing the early maturity of the company, consists of twenty-seven chapters, and is full of instructive detail.⁷ Originally issued by Edward III as an ordinance, it was accepted by parliament, so that later documents usually refer to it as a statute. It is the first privilege issued to the company which in any way defines or describes its powers. Before this in 1341 a partial declaration of the company's rights and privileges was made by the king,⁸ and still earlier there is what has been called the first charter of the company, of 1313. In addition there are numerous grants of privilege at Bruges; the longest, almost contemporaneous with the statute, agrees with it in many points word for word.⁹ In order to avoid anachronisms and to trace out the earlier history of the company before the statute, this latter document has been used as a starting-point, to be illustrated almost entirely from documents of the previous half-century, and, where the material requires, from the reign of Edward I.

The Company of the Staple had, from the beginning, a double character. First, there existed in each of the chief ports of the kingdom a local organization: this was the home staple. There was also a larger and more or less federated body consisting of merchants from all parts of England. Home staples, or staple ports, it must be understood, were the principal places for the export of wares, and these remained staples even while there was a foreign mart, although for the time they were less independent.¹⁰ The king might occasionally create a staple port,

⁷ *Statutes of the Realm*, i. 373 ff. (Record Commission, 1810-28).

⁸ Printed by Miss Jenckes, p. 62.

⁹ *Cartulaire de l'Ancienne Estaple de Bruges*, i. 226-32 (Bruges, 1904) in the *Recueil de Chroniques* published by the Société d'Émulation de Bruges.

¹⁰ Gross found local staple rolls during the time when there was a foreign staple, thus proving that the local staples were not abolished at such a time. Miss Jenckes also recognizes this fact, although in other places she writes as though foreign and home staples alternated (pp. 8 f.). See also Sir J. H. Ramsay, *The Genesis of Lancaster*, ii. 89-91 (Oxford, 1913).

but that was probably a small town to which he was showing some special favour.¹¹ There were also many other towns which were sometimes included among the staple ports and sometimes not.¹² If any towns were thus excluded from participation in such valued privileges and rights, it is strange that we hear of few complaints on this score. Medieval boroughs were tenacious of their rights and never took easily the abolition of privileges once secured. We may conclude therefore that there was some reason for this lack of complaint; possibly there was a general understanding as to which ports should enjoy staple rights. Much was probably determined by the fact whether trade was active or not. Thus wherever trade was active, there was a staple port. Bristol, Newcastle, and London are always mentioned when ports in their vicinity are spoken of; other towns, where trade was small and not well known, might be included or omitted from a list without intentional injury or the loss of any real advantage.

The local staple had a strong individuality of its own as a member of a more general organization of all the 'merchants of the realm'.¹³ The general society, however, does not seem to have consisted of a mere combination of the local bodies. It was almost as distinct as they were, and it included merchants from every part of England. We can see it in two different forms. First, it appears in a group of merchants gathered for business in the foreign staple. Whenever merchants from any recognized staple port were in the mart town, they attended meetings of this association. At first it probably included all English merchants there; but as time passed, it became more exclusive. The general court, as we may call it from analogy to the later merchant adventurers,¹⁴ was therefore a composite and more or less fluctuating body. But thus it was all the more representative of various parts of England, although Londoners, we may suppose, were greatly in the majority. The home staples and the foreign mart constituted the permanent institutions of the company. But at intervals, sometimes it seems almost yearly, there was a meeting of merchants from all parts of England in London to determine questions of great moment, such as the removal of the staple from one foreign port to another, the election of the head of the company, or important

¹¹ As at Queenborough, when merchants of Sandwich were directed to go there instead of to Canterbury, since the king had removed the staple: *Calendar of Close Rolls, 1364-5*, p. 479.

¹² See Miss Jenckes, pp. 53-5. Lists of staple ports are to be found attached to almost every document dealing with the trade in wool as well as with the staple in the Close Rolls, Patent Rolls, statutes, and writs.

¹³ This is the term most frequently used, especially between 1313 and 1320. The charter of 1313 was granted to the 'mayor and merchants of the realm'.

¹⁴ See W. E. Lingelbach, *The Merchant Adventurers of England, their Laws and Ordinances*, Introd., p. xv (Philadelphia, 1902).

business with the king. Of this association we shall speak more fully later.

There was not much centralization. The general association probably had little power to regulate the conduct of the members, but it could help in distributing information and in securing uniformity of definition and of action. In this way it was especially useful to the king. Whenever he wished to obtain information, to change details of administration, or to reorganize mercantile practice, he could do so through one or the other of these central bodies. Probably for this reason the Company of the Staple has been regarded as a mere creature of the government. Throughout the later middle ages the king was gradually assuming functions which had formerly belonged to the towns. Uniformity of local practice made this process easier, and this, without doubt, the staplers helped greatly to promote. Already before the definite organization of the company, much had been done by the towns themselves in adopting similar customs and enacting similar laws and in co-operating through similar bodies of town and foreign merchants. After the opening of the fourteenth century the process was greatly facilitated. The staplers seem to have acted as intermediaries between the towns and the king, and took their part in the general movement for centralization. But the force making for uniformity exerted by this central body was to some extent outweighed by the overpowering influence exerted by the London merchants. Sometimes it is difficult to tell whether a measure is carried out by Londoners alone, or whether merchants from all the ports participate and are therefore bound by it.

As to the functions of the company, these can best be studied from the same two points of view. The local court of the staple had a strong and persistent individuality, shown in the many names for societies and members and in their widely different local practices and customs. It was the local court of the staple which determined what were the old customary privileges of the townsmen, and what the disabilities of aliens. All merchants of the staple were organized in this court for local administration.¹⁵ From the statute we know that the members included all merchants from the town, whether native or alien. It would seem that the assembled suitors took an active part in it, for their consent is usually recorded. The court was presided over by an elected officer, called, after the time of the statute, the mayor of the staple.¹⁶ There were also two constables and two representatives of the alien merchants, besides attendants, porters, and others. A body of twelve sworn men was summoned to give

¹⁵ *Stat. of the Realm*, i. 332 f.

¹⁶ Statute of the Staple (27 Edward III), ch. 8.

judgement ;¹⁷ and if an alien was concerned, it included countrymen of his nation. The court regulated local trade, legislating when necessary and upholding especially the town's immemorial privileges. These varied considerably from place to place, but some popular ones were found in every borough of importance ; such as the gild merchant, the hanse, freedom from toll throughout England in all cities and ports, and the like.

The merchants, as the most active class in the town, were continually attempting to secure further privileges for themselves, and so were in frequent conflict with other authorities both in the town and in its neighbourhood. As their wealth increased, they claimed more and more power, and the tendency of the time was to allow it. Once a privilege or right was recognized the merchants claimed it as of ancient custom. The Statute of Acton Burnel in 1283, enlarged two years later by Edward's Statute of Merchants,¹⁸ had given to the local merchants considerable authority in dealing with mercantile affairs. The New Ordinances expressly limited those powers ' to cases between merchant and merchant ' or in connexion with ' merchant burgages '.¹⁹ The first charter of the staplers of 1313 granted to the ' mayor and merchants of the realm ' only the power to administer staple regulations and to fine and punish offenders abroad. At home they were to assess the goods of those who broke the staple regulations, sharing the profits with the king. They also had the right to determine which should be the staple mart abroad. These powers with details on the collection of the customs were also granted in the privilege of 1341, and no others. Yet in the Statute of the Staple of 1353 their powers were very great. The judicial power of the merchants then included the settlement of all such cases as were granted by Edward I to merchants throughout the realm (ch. 8). Their jurisdiction was declared to be ' of people and of all manner of things touching the staple ; and that all merchants coming to the staple [which, it should be noted, included all the principal ports of the kingdom ²⁰], their servants and meiny in the staple shall be ruled by the law merchant ' (ch. 8). Such regulation of the whole trade of a neighbouring district is a most characteristic feature of the administration of a medieval borough ; but here it is placed in the hands of the merchants of the staple.

Like most medieval documents, the statute leaves out much that we particularly want to know. It enumerates changes, but only indirectly shows the principles on which they were founded.

¹⁷ This body is much like the early *scabini* in France, the later *échevins*.

¹⁸ *Stat. of the Realm*, i. 53-5 and 98.

¹⁹ 5 Edward II, ch. 33, *Stat. of the Realm*, i. 157.

²⁰ See list of staple ports in Appendix, below, p. 319.

Thus we learn that trade might be carried on at wholesale but might not be forestalled (ch. 11). Ordinary town regulations prohibited both, especially to aliens. The difference may perhaps be due to a desire to favour the aliens, or possibly it was a matter of good sense: the volume of trade was already considerable, and some wholesale trade must have been necessary. In several instances we find the company managing in the king's name matters only recently under the fullest control of the local authorities. For instance, they were to secure the king's weights and measures (ch. 10). Local determination of weights and measures was very slowly giving way before the king's authority. There was constant complaint that townsmen bought by one measure and sold by another,²¹ and people applied the varying custom for their own advantage, wherever they could. The *London Liber Horn*, a little earlier, in reciting the Assize of Weights and Measures, shows that, while the stone of fourteen pounds as required by the ordinance was becoming common, London still used one of twelve and a half pounds,²² a good thing for a seller if he could at the same time buy at fourteen pounds to a stone. Again, while English towns did not coin their own money, they had from Anglo-Saxon days been the seats of the king's mints, with the regulation of exchange.²³ Edward I probably is responsible for taking this into his own hands.²⁴ Possibly the search for gold and silver being carried out of the realm is a relic of the older and fuller right. Both of these were placed by the statute (ch. 13) in the hands of the staplers.

Recognizances of debt, another matter of prime importance

²¹ Pegolotti, in *La Pratica della Mercatura*, frequently complains of this abuse, and tells us what weights were used in different cases. As he was probably in London as a member of the Florentine company of the Bardi during the first decade of the fourteenth century, and wrote his treatise twenty years later, his information is of more value than the vague complaints of Englishmen who might perhaps be trying to secure advantages for themselves. His treatise is published in vol. iii of *Della Decima* [by Pagnini] (Lucca, 1765). The part relating to England will also be found in an appendix to Dr. W. Cunningham's *Growth of English Industry and Commerce*, i, 5th ed. (Cambridge, 1910).

²² The Assize of Weights and Measures, assigned in the *Statutes of the Realm*, i. 204, note 4, to an uncertain date of Edward I or Edward II, is almost certainly of the time of Edward I, if not earlier. Its traditional date of 1266 seems plausible in the light of the commercial reorganization of that year.

²³ According to the Laws of Aethelstan, there were king's moneyers in Canterbury, Rochester, London, Winchester, Lewes, Hastings, Chichester, Hampton, Wareham, Exeter, Shaftesbury, and other places not named: Aethelstan, ii. xiv. 2, in Liebermann's *Gesetze der Angelsachsen*, i. 158.

²⁴ Edward at least entirely reorganized the mints and exchanges, placing them in the hands of two merchants, one of them an Italian. In London Orlandino de Podio of the Riccardi of Lucca was associated with Gregory de Rokesele of London, one of the principal merchants of the city. The mint was finally put in charge of a Gascon, William de Turnemire, but the exchange continued to be managed by the merchants. See Crump and Hughes, 'English Currency under Edward I' (*Economic Journal*, v. 50-67; vii. 185-98).

to merchants, had been regulated for the kingdom by Edward I. The Statute of Acton Burnel mentioned only London, Bristol, and York, but the Statute of Merchants extends the system to all the ports. These recognizances of debt form the foundation of the London letter-books and seem to have led to the production of written records in many other towns. Originally they were to be made before the mayor and his clerk, that is, before the borough authorities. The New Ordinances again suggest, in this connexion, a wider extension of the practice than was originally planned; and taking recognizances was, therefore, limited to twelve towns.²⁵ This important function also was placed by the Act of Edward III (ch. 9) in the hands of the staplers. These were all administrative duties, as to which the merchants may be considered in the double light of representatives of the town merchants, and hence as interested in securing advantages for the local body, and also as officials of the king in maintaining uniform procedure in all the ports.

The mayor and constables as a court had also distinct judicial functions. They decided all questions relating to the staple, including all those arising within the staple limits, or concerning staple goods anywhere. They had jurisdiction over all persons engaged in staple business, native and foreign merchants, as well as their servants.²⁶ In the case of foreigners there were, however, many restrictions.²⁷ The Law Merchant was the law of the staple. Its courts were also the characteristic mercantile courts, sitting 'from day to day' and administering swift justice, just like the pie-powder courts of the fairs,²⁸ which were closely akin to them. In pleas of land and in cases of felony the plaintiffs were under the common law. But in other matters appeal to the chancellor was permitted. This process of appeal is perhaps foreshadowed by the regulation of the Statute of Acton Burnel, empowering the chancellor to record recognizances of debt.²⁹ Being entered on the chancery rolls, we find them forming a considerable element in the close rolls of Edward I. Foreigners frequently had their debts recorded there, instead of on the local rolls, perhaps because they could expect fairer treatment from the king than from local authorities. Englishmen also frequently used the same method, especially when the debtor and creditor were from different towns. While the power of local courts was gradually extending, there was more confidence in the king's power to distrain on the goods of a delinquent debtor. The

²⁵ The statute 5 Edward II, ch. 33, names Newcastle, York, Nottingham, for counties beyond Trent; Exeter, Bristol, Southampton, for counties of the south and west; Lincoln, Northampton, London, Canterbury, Shrewsbury, Norwich.

²⁶ 27 Edward III, ch. 8, 16, 19.

²⁷ *Ibid.*, ch. 2, 8, 17, 20, 24, 26.

²⁸ *Ibid.*, ch. 8, 20.

²⁹ 13 Edward I, *Stat. of the Realm*, i. 53.

Statute of 1285 permitted recognizances before the justices of the bench, the barons of the exchequer, and the justices itinerant,³⁰ but the method was not often used, certainly not at the time of the Statute of the Staple.

Cases arising on the sea were also in the hands of the merchants of the staple in their local court.³¹ Maritime law and the law merchant are very slowly separated in medieval courts. Here again we find traces of the moulding influence of Edward I. It is not clear when or how the Rolls of Oleron were established as the law of the English ports. Whether they were known or extensively used before Edward's time remains to be proved, but it is very probable. A number of coincidences in England about 1266, while amounting to little in themselves, indicate as a whole some definite change in regard to maritime affairs. First, the young Edward was made lord of Oleron by Henry III in 1259,³² just about the time when he spent two years in Gascony.³³ While he was still there, the king wrote him a sharp letter regarding his alienation of the lordship of Oleron and resumed the grant. Secondly, Edward's wife, Eleanor of Castile, was the sister of Alfonso the Wise of Castile, and it is remarkable that one of the oldest copies of the Rolls of Oleron extant in England has been traced to a Castilian source, dated in 1266.³⁴ Thirdly, in that year the king gave Edward authority over all merchants of England, whether coming to the realm or leaving it,³⁵ and required them to obtain licences from him. Fourthly, this same year saw also the first attempt at a general duty on all goods leaving the realm.³⁶

³⁰ 15 Edward I, *Stat. of the Realm*, i. 100. It is added that the execution of recognizances made before them (i. e. the justices, barons of the exchequer, &c.) 'shall not be done in the form aforesaid [by the law merchant ?], but by the law and in the manner provided in the statutes'.

³¹ 37 Edward III, ch. 8, 22.

³² The condition of his lordship was that he should never alienate it from the crown. The anger of the king's council, when they heard that he was about to transfer it to one of the hated Lusignans, shows the great value placed on the lordship: *Cal. of Pat. Rolls, 1258-66*, pp. 41 and 141.

³³ Edward was in Gascony in 1259 and again from 1260 to 1262. The Gascon Rolls illustrate his activity there.

³⁴ Pardessus, *Histoire des Lois Maritimes*, ii. 283 f. (Paris, 1829-30). In the introduction to the *Oak Book of Southampton*, ii, pp. xxix-xxxvii (Southampton Record Society, 1913), the editor, Mr. P. Studer, gives reasons for thinking the copy of the Rolls at Southampton still older than that used by Pardessus. In this Southampton copy the law of 1285 is also included, but as number 27.

³⁵ *Foedera*, i. 468; *Cal. of Pat. Rolls, 1258-66*, p. 575.

³⁶ All foreign and oversea merchants wishing to come to the realm and carry on business there must have a licence from Edward the king's son, and when required must leave the realm [perhaps after 40 days], paying 'a reasonable portion on imports and exports': *Foedera*, l. c.; *Cal. of Pat. Rolls*, l. c. Later documents show that this reasonable portion of imports and exports took the form of the 'new aid' agreed upon by the merchants and the prince, for which collectors were appointed throughout the realm. Hugh Pape, of the Florentine company, was one of the collectors: *Cal. of Pat. Rolls, 1258-66*, p. 580; 1266-72, p. 142. This 'new aid' was assented to by 'all the merchants on this side and beyond seas bringing merchandise to and from the realm'.

The 'New Aid' was apparently intended to override all local privileges and exemptions, but the immediate outcry from Englishmen as well as foreigners caused Henry III to withdraw it within a year. How much Edward valued its enactment, and the revenue he obtained through this means, is shown by the fact that it was one of the first measures carried through in his own first parliament, when the so-called 'Ancient Customs' on wool, hides, and tin were once for all established.³⁷ These coincidences seem to indicate a consistent policy; pieced together they must have some bearing on maritime matters, on the adjudication of maritime cases, and on the organization of the English ports. Edward took a great interest in these questions. His first and second parliaments both dealt with the question of wrecks at sea;³⁸ he was the first to issue a charter to the Cinque Ports as a whole, instead of to the individual towns, as had hitherto been done.³⁹ In that dispute, men of the Ports protested against a regulation of the Londoners, which they claimed was new. Now this regulation is the chapter numbered 35 in the copy of the Rolls of Oleron in *Liber Horn*. In the Castilian copy of 1266 there were only the first twenty-four chapters, so that it looks as though ten new chapters were subsequently added. Without going into the vexed question of the early history of the Rolls of Oleron and their adoption as the law of the ports, the significance of the dated manuscript remains the same.⁴⁰

Maritime cases, by Edward I's two statutes, were to be decided before the mayors and their clerks. Such cases are not mentioned in either of the earlier privileges of the merchants staplers; but in the Statute of the Staple (ch. 13) they are assigned as a matter of course to the local court, without any suggestion that this was a new arrangement. It looks as though they had judged such cases before. But very shortly afterwards a change is indicated. The beginning of the admiral's jurisdiction has been traced back to two grants to the 'captain of the king's ships' in 1357, and to the 'admiral' in 1361, of power to hear pleas of the sea.⁴¹ But in spite of this, it is probable that the local courts did not lose all power, since the statute continued to be confirmed and enforced. Moreover a statute of 1414 enacts that 'conservators of the

³⁷ The first record of it is the writ to the collectors in the ports: *Parl. Writs*, i. 1 (2).

³⁸ 3 Edward I, ch. 4; 4 Edward I, ch. 4; *Stat. of the Realm*, i. 28 and 41.

³⁹ In 1278: *Foedera*, i. ii. 538.

⁴⁰ For the introduction of the Rolls of Oleron see the *Black Book of the Admiralty*, Rolls Series, i, pp. lxii-lxx; ii, pp. xxxvi-xxxviii. See also Pardessus and Studer, above cited.

⁴¹ John Pavely was appointed 'capitaneus et ductor' of the king's ships, with power to hear pleas of the sea 'secundum legem maritimam': *Foedera*, iii. i. 479. In 1361 John Beauchamp was made admiral, with similar powers: *Cal. of Pat. Rolls, 1358-61*, p. 516. See also T. L. Mears, 'Admiralty Jurisdiction', in *Select Essays in Anglo-American Legal History*, ii. 320 (Cambridge, 1908).

Truces' shall be appointed in every port, to act as deputies of the admiral in deciding maritime cases.⁴² Residing at the ports, these officers probably soon fell under local control; for there were in 1835 fifteen ports still claiming to have their own independent admiralty courts, which were then abolished.⁴³

Another important function of the merchants had to do with the customs. To the government this was probably the most important. The 'Ancient Customs' of 1275 were assigned for collection to two merchants, one from the town and another from the great Italian firm of the Riccardi of Lucca. This plan was continued throughout Edward I's reign and until 1311, when the New Ordinances required that customs should be collected not by aliens, but by Englishmen only.⁴⁴ Probably an important reason for using the Italian companies in this capacity had been because of their wide ramification, and the consequent easy exchange of money. After the organization of the staplers in all the ports, they could take the place of the alien merchants. The bulk of the customs were now royal, since the great boroughs and many of the smaller ones had already secured exemption from older local dues, and the same was true of many aliens. It is therefore likely that the Company of the Staple began to collect customs in 1313, if they had not already done so before. This function, fully described in the Ordinance of 1341, is mentioned first in the statute, and was apparently regarded as the most important. But the customs collected by them were the 'Ancient Customs' on wool, hides, and tin especially. The staplers do not appear to have had much to do with the later impositions; therefore, as duties on other goods tended to replace those of the staples, their function assumed the form of a control over this particular branch of commerce, and hence of a monopoly of the wool-trade. That belongs, however, to a later period.

Meanwhile another tax of somewhat similar nature was contributing to the formation of the second great company, the merchant adventurers. During the early period of the Company of the Staple, its members traded in a number of wares, the list varying from time to time. Tin is sometimes included, but special staples for tin developed and that trade came to be managed by the tinner's parliament.⁴⁵ But the staplers dealt chiefly in wool and hides; and these were known as staple wares, for most of our

⁴² *Stat. of the Realm*, ii. 180-1.

⁴³ In 1835 the courts of the following boroughs, still claiming exemption from admiralty jurisdiction, were abolished: Aldestowe, *Boston, *Bristol, *Dunwich, Harwich, *Ipswich, Kingston-on-Humber, *Lynn, Maldon, *Newcastle-on-Tyne, Newport, Poole, Southwold, *Southampton, *Yarmouth: Mears, *ubi supra*, p. 329, note 5. Staple ports are marked with an asterisk.

⁴⁴ 5 Edward II, ch. 4, 5, 21.

⁴⁵ See G. R. Lewis, *The Stannaries* (Boston, U.S.A., 1908).

period the chief exports of the country. Very early in the fourteenth century, however, the manufacture of cloth began to assume considerable importance. The king saw an opportunity for a new tax and promptly made use of it. This was at first only another way of taxing the wool, but it was applied to the wool used in domestic manufacture and afterwards exported as cloth. Sir James Ramsay has called it rather of the nature of an excise than a custom,⁴⁶ but a little later it was certainly a true customs duty.⁴⁷ For a long time there was no distinction between the merchants dealing in wool and those dealing in cloth. In the first half of the fourteenth century both were regarded as staple goods, and regulations for trade named the two together. The first notice of a tax on 'cloth made in the country' deals with a small 'alnage' of a penny a cloth for dealing those of the approved length and breadth. Sir James Ramsay has found accounts from 1328 to 1334 which seem to relate to this 'alnage'. After the capture of Calais in 1347 the king saw an opportunity to induce merchants to resort there, and he accordingly established a separate staple for cloth, feathers, &c., at Calais, while the staple for wool still remained at Bruges.⁴⁸ When the staple at Bruges

⁴⁶ *The Genesis of Lancaster*, ii. 90-1. A petition in parliament speaks of the tax as existing in the time of Henry III (*Rot. Parl.* i. 28). In Sir J. Ramsay's table of customs it appears from 1328 to 1334 and again after 1347.

⁴⁷ Two quite different duties on cloth are apparently represented here. One of these is the 'alnage', a small payment for sealing cloths of the approved length and width; the other is a true export duty on cloth. An order of 1367 says: 'And after, for that the wool growing within the realm, whereof it had been taken over to foreign parts, the custom and subsidy ought to have been paid to the king, was worked into cloths within the realm, and the cloths taken to foreign parts in no small quantity, it was ordered by the king and council, that for every cloth made within the realm and so taken out, there should be taken to the king's use, for every cloth of assize from natives 1*d.* and 2*d.* from aliens; for every cloth of scarlet or other whole grain, from natives 2*s.* 4*d.* and 3*s.* 6*d.* from aliens; and for every other cloth of half-grain, . . . a moiety': *Cal. of Close Rolls, 1364-9*, pp. 334-5. Possibly for a short time after the staple was placed at Calais both kinds of taxes were collected. In 1362, however, and again in 1364, and later, the king let these subsidies on exported cloth to merchants in the various ports, who seem entirely distinct from the merchants dealing in staple wares, and whose names never occur in the same lists with these. In the indentures to the farmers of this subsidy on cloth the king specifically exempts them from payments for 'alnage': *Cal. of Close Rolls, 1360-4*, pp. 432-3, 517-21.

⁴⁸ After 1340, when the king promised to keep the English staple at Bruges for fifteen years (*Cartul. de Bruges*, i. 191), it remained there until Michaelmas 1348. Then for a year it was removed to Middelburg (*Cal. of Pat. Rolls, 1348-50*, p. 6), but was perhaps restored to Bruges at the end of that time, as a treaty between Edward III and the Count of Flanders indicates, in December 1348 (*Foedera*, III. i. 178). The staple was, however, in Middelburg in November 1352 and in February 1353 (*Cal. of Pat. Rolls, 1350-4*, pp. 454 and 530), so that it may not have gone back to Bruges. Meanwhile in November 1347 the king appointed his butler, J. de Wesenham, to take custom on all woollen cloths exported from the realm. This was assigned for collection to the butler's deputies in the ports, and writs to these deputies in Ipswich, Colchester, Maldon, and Harwich for the ports of Norfolk and to Hull are extant (*Cal. of Pat. Rolls, 1345-8*, pp. 434-5). The appointment of these deputies reads like the first grant of the custom, and gives full details of the amount and the method

was abolished in 1353, at the time of the statute, the staple at Calais still continued perhaps without interruption. The staple for wool was re-established at Bruges in 1359, but only for a short time. Then in 1363 the foreign staple for wool was placed at Calais, while it seems possible that staples for cloth were held only in England. The word staple now begins to be connected exclusively with the woollen trade, so that while we hear of a foreign mart and of a collection of a subsidy on cloth at certain ports, they are not after this time called staples. Probably the definite separation of two classes of merchants began soon after the staple for cloth was placed at Calais in 1347. Only two or three years later we hear of tumults at Calais, and an Englishman was placed in the Tower of London for inciting to hold 'meetings, assemblies and other unlawful conspiracies', such as usually attended new organizations.⁴⁹ While the merchant adventurers did not obtain

of collection. This duty was not an excise but a customs duty on exports. The following April the king erected at Calais a staple for 'tin, lead, feathers, woollen cloth made in the kingdom, and worsteds' (*Foedera*, III. i. 158). He did this, as he says, in order that 'merchants and others should go to the city' of Calais, and he established it for seven years. The staple of cloth was still in Calais in July, in September, and on 15 November 1348 (*Cal. of Close Rolls, 1345-8*, pp. 476, 560, 597). In the meantime the staple for wool had been removed at Michaelmas 1348, from Bruges to Middelburg (*Cal. of Close Rolls, 1348-51*, p. 6). Sir J. Ramsay gives returns from the customs on cloth for each year after 1347. The erection of this second staple at Calais was received with hostility by some at least of the English merchants, probably by those who had been dealing in both wool and cloth. The king speaks of 'damages and injuries' arising from it (*Foedera*, III. i. 178).

⁴⁹ There were 'meetings, associations, and tumults' in Calais, which apparently involved only a part of the townsmen there, and in which an English *échevin* of Calais was implicated. He was afterwards imprisoned in the Tower of London until security was given that he would keep the peace and refrain from seditious action. He was Richard atte Wood, a king's serjeant-at-arms and, it would seem, an important man. His mainpernor was William atte Wood, another king's serjeant-at-arms of Yorkshire (*Cal. of Close Rolls, 1349-54*, p. 196). The French *échevin* corresponds nearly to the English 'jurat', usually a substantial merchant in an English port, and closely connected with the government of the town and the organization of the local staple. Thus the meetings in Calais look like an attempt to organize a similar staple in Calais under certain of the merchants. It may be remembered that Louis X had invited the English merchants to establish their staple port at Calais in 1318. There is abundant evidence that trade in wool, hides, &c., was distinct from that of other goods both before and after the permanent settlement of the staple for wool at Calais in 1373. The subsidy on cloth, replacing the earlier 'alnage', was farmed to merchants of the ports for three or four years, and in the case of London for one year, yet we do not find the word staple used (see above, note 47). In several cases later evidence shows that these merchants have no dealing in wool, and do business only in the export of cloth. In September 1362, and again on 15 May 1364, a number of the indentures between the king and these merchants are enrolled on the Close Rolls. In these indentures the merchants were exempted from rendering account of their receipts, and were excused from payment of 'alnage' (*Cal. of Close Rolls, 1360-4*, pp. 432-3 and 517-21). As we have seen, the 'staples' were placed in Calais in 1363; yet a year before this export of cloth, lead, tin, mill-stones, sea-coals, felt, woad, butter, cheese, &c., was prohibited (*ibid.*, p. 436), and again in 1367 (*ibid.* 1364-9, p. 376), while the staple for wools still remained at Calais, where it is found in October 1366 (*ibid.*, p. 247), and in January 1367 (*ibid.*, p. 363).

a charter until February 1406/7, they were already fully formed and active before that time.⁵⁰

Another function of the staplers lay in making grants to the king, but this was connected chiefly with the central organization. This, as we have seen, appears in two forms. The general court was the organization at the foreign mart. It was presided over by the highest officer of the company. Before the statute he was called the mayor ;⁵¹ but when that enactment named local mayors in each English staple port, a new name was necessary for the head of the general court, and thenceforward he was called governor, as was stated in 1360, 'of the liberties of English merchants in Bruges'.⁵² Several times for a short interval the staple was at Antwerp,⁵³ at St. Omer,⁵⁴ or at Middelburg.⁵⁵ Usually this was due to some local mercantile dispute between the merchants and the townsmen, or to political influences on the king. At least twice between 1313 and 1353 all foreign staples were abolished, and they were held only in England and Ireland.⁵⁶ But for most of the time the staple was at Bruges, so that we shall look to that city for evidence of the merchants' activity. Among the numerous grants of privilege to foreign merchants there, those to Englishmen were frequent and ample.⁵⁷ The longest grant is a few years later than the English Statute of the Staple, with which it frequently agrees word for word. It was made in 1359, when the English staple after an interval of six years was re-established there.⁵⁸ As the statute was originally enacted just when the staple at Bruges was abolished in 1353, this charter of 1359 represents almost exactly contemporary conditions in Bruges.

English merchants in Bruges formed a distinct community, with all the valued privileges usually granted to foreign merchants in a medieval city. Among these, of vital importance to its continuance, was the right of assembly. Rumours of secret

⁵⁰ *Foedera* (ed. 1727), viii. 464-5. Gross says that later merchants adventurers never quote or cite any earlier charter than this one of 1407, although they claimed that their society was founded by Edward III: *Gild Merchant*, i. 149, note 5.

⁵¹ In 1325 the mayor was ordered to betake himself to Bruges and to hold staple there (*Cal. of Close Rolls, 1323-7*, p. 378). The first mayor of the staple, Richard de Bury of Salisbury, was probably also elected in Bruges.

⁵² *Cal. of Close Rolls, 1360-4*, p. 10.

⁵³ In 1310 (*Cal. of Close Rolls, 1307-13*, p. 193) and in 1316 (*ibid.* 1313-18, p. 315).

⁵⁴ *Cal. of Close Rolls, 1313-18*, p. 219 ; *ibid.* 1318-23, pp. 186-7.

⁵⁵ In 1348 (*Cal. of Close Rolls, 1346-9*, p. 568).

⁵⁶ That is, in 1326 (*Cal. of Close Rolls, 1323-7*, p. 378) and in 1353 (Statute of the Staple).

⁵⁷ A document in the *Cartul. de Bruges*, i. 37, no. 54, purports to confirm privileges to the 'Merchants of the Staple of Calais' in 1251, but the error in date is obvious. Not only was there no Company of the Staple then, but the document mentions 'Richard lately king of England the second after the Conquest': the reference is to 26 Henry VI, i. c. 1458.

⁵⁸ *Cartul. de Bruges*, i. 226 f.

meetings are frequently our first indication of the formation of new organizations. Local jealousy was quick to feel the danger. Therefore the full recognition of the right of English merchants to hold 'assemblies, courts, and congregations' is a clear sign of English organization.⁵⁹ Possibly the wording of the phrase implies two kinds of meetings, regular courts for jurisdiction over Englishmen, and larger assemblies when regulations for the general conduct of business were made or changed. Both these powers were expressly stated. The merchants might meet to settle their own affairs as they chose; they could make and amend regulations. As a court they could try any case involving their own members, unless it involved life or limb. The same privilege, word for word, is granted to them in England by the Statute of the Staple. Their purely trading privileges need not detain us here.

While the general court at Bruges was the head of the company in all matters of trade, while the mayor was elected there, and in its later history the company even came to be called by the name of the staple mart, the Company of the Staple of Calais, yet in the early fourteenth century another body was the real head of the company. This was a sort of house of merchants, usually meeting in London, formed of representatives from the cities and boroughs of the realm. Bishop Stubbs has called it the Sub-Estate of Merchants,⁶⁰ and Sir James Ramsay has fully recognized its influence. Its meetings were apparently not at fixed times, but whenever the king called them. The merchants were commonly summoned at the time of parliament, and as such they formed an organic part of parliament. Often they were assembled shortly after the general meeting,⁶¹ apparently to provide ways and means. Sometimes they were summoned when there was no meeting of parliament at all, and when the business transacted was almost purely mercantile. But their most frequent function was to make the king grants on the customs.

A study of this system brings us immediately to the question of the origin of the English customs and to the authority by which grants on the customs were made. The earliest general customs of the modern type, as shown by Mr. N. S. B. Gras, were the so-called 'Ancient Customs' of 1275 on wool, hides, and possibly tin.⁶² The writ to the local collectors states that this grant was

⁵⁹ A decision in the magistrates' court at Bruges in 1360 (*ibid.* i. 211) is worded in this respect exactly like the Bruges privilege of 1359, and like the English Statute of the Staple. Probably all three were quoted from an earlier privilege, or used common forms.

⁶⁰ Stubbs, *Const. Hist.* ii. 200 f.; Ramsay, *Genesis of Lancaster*, ii. 88-90.

⁶¹ In 1305 parliament was summoned to meet on 28 February, but the writs to the towns were not dated until 30 March: *Parl. Writs*, i. i. 140 (3) and 157 (47).

⁶² 'The Origin of the National Customs Revenue of England', in the *Quarterly Journal of Economics*, xxvii. 107-49 (Cambridge, Massachusetts, 1912).

made by the community of the merchants, although it was apparently accepted later by the magnates.⁶³ From that time and down to 1351, the rates on these goods were continually increased with greater and greater frequency.⁶⁴ In 1294 Edward I seized all the wool in the ports, and in order to redeem their wool the merchants granted the infamous 'mal-tolt' of that year, an almost confiscatory tax of three marks on the sack of wool, and five marks on the last of hides.⁶⁵ It was suggested (according to the Annals of Dunstable) by Lawrence of Ludlow, an important London merchant, who was later repaid for his advice by his fellow citizens, for he was *submersus in mari*.⁶⁶ Nevertheless, the 'mal-tolt' was collected until 1297, and was then renewed by the merchants. But now the magnates intervened, and Edward in the Confirmation of the Charters promised that he would exact nothing beyond the 'Ancient Customs', that is, those of 1275. In 1302-3 the king, again in need of money, called the merchants together in small bodies. The wine merchants from Gascony granted a tax of 2s. a tun on wine, apparently in commutation of the ancient wine-prise. Alien merchants, largely those from Italy, of whom two representatives were summoned from each society, granted an additional quarter mark on the sack of wool, half a mark on hides, and a duty *ad valorem* on imports.⁶⁷ This was the so-called Parva Custuma. When however, soon afterwards, parliament assembled, it rejected the grant,⁶⁸ and the king had to content himself with the tax on aliens.

This separate tax on aliens was most unpopular with English merchants, and seems to mark an epoch in their growing jealousy of foreigners. After this the Parva Custuma kept alive the distinction between natives and aliens. It made Englishmen grasp, as they never had before, that they had certain interests in common with men from neighbouring towns, and entirely distinct from those not 'of the king's allegiance'. Henceforth, when foreigners are mentioned as trading in England, they are usually foreigners in our sense of the word, and not merely men from another town, even an English town, as appears in earlier documents. The first objection which English merchants took to the Parva Custuma arose from the additional security assured to aliens by the Charter of 1303. In 1309 Edward II promised to

⁶³ *Parl. Writs*, i. i. 1 (2).

⁶⁴ See Sir J. Ramsay's customs accounts, *Dawn of the Constitution*, London, 1908; and *Genesis of Lancaster*, i. 177 and ii. 91. See also the table of customs granted by merchants in the appendix to this article, p. 319.

⁶⁵ Stubbs, ii. 200. This was about half the value of the wool.

⁶⁶ *Ann. Monastici* (Rolls Series), iii. 389.

⁶⁷ The two charters are given, one in *Liber Custumarum* of London (*Munimenta Gildhallae*, Rolls Series, i.), 205, and the other to the Gascons in the *Livre de Bouillon* of Bordeaux, p. 160.

⁶⁸ *Parl. Writs*, i. 135 (5).

suspend part of the customs for a year 'as an experiment',⁶⁹ and in 1311 they were completely abolished by the New Ordinances.⁷⁰ But when the ordinances were repealed in 1322, the Parva Custuma was again granted by the alien merchants and was continued thereafter. In 1332 it was finally recognized by parliament,⁷¹ and from that time there is no question of its withdrawal, nor of the distinction drawn between natives and aliens. Englishmen had now learned to regard these additional customs paid by aliens as a burden on aliens' trade, while the special privileges secured to aliens were less regarded. In 1317 and the following year Edward II had obtained an additional sum of half a mark on the sack of wool and a mark on the last of hides, but clearly distinguished it as a 'loan'.⁷² But when he secured the repeal of the ordinances, he called together the Gascon merchants to grant him their 2s. on the tun of wine, the aliens to grant again the still hated Parva Custuma, and the native merchants to grant him a 'new increment' on wools and hides, the same amount as that of the 'loan' of 1317.⁷³ The king's proposals were all accepted by the merchants. Thereafter he levied all these three customs, and they were continued by his son.

The system once started by Edward I and Edward II was extended by Edward III. Sir James Ramsay mentions ten grants of additional customs made 'by the merchants' between 1327 and 1350, besides one made 'per Consilium', which he takes in the ordinary sense 'by the Privy Council'.⁷⁴ Parliament had often protested against this method of obtaining additional revenue, and finally in 1351, at the price of confirming the current rate, almost extortionate as it was, the king promised not to take grants on the customs except at the hands of parliament.⁷⁵ This grant was made at first for two and afterwards for six years. From this time the right of parliament to make all grants on the customs was not seriously questioned, but not until the time of the Tudors were the grants made for life.

It is possible that a grant on the customs may have been made even earlier than the 'Ancient Customs'. Simon de Montfort's parliament of 1265 is famous for the summons of representatives from cities and boroughs; and it is well known that Londoners

⁶⁹ *Ibid.* II. ii. 22.

⁷⁰ 5 Edward II, ch. 11.

⁷¹ Ramsay, *Genesis of Lancaster*, II. 88-91.

⁷² *Parl. Writs*, II. ii. App. 115 and 118.

⁷³ Writs directing the collection of the 'new increment' were dated 6 June 1322: *Parl. Writs*, I. 193 (167, 168, 169). This was paid by all classes, natives as well as aliens. Writs for the collection of the Parva Custuma by aliens only were dated 20 July: *ibid.* II. ii. 214 (265). Writs for the collection of the wine duty were dated 6 June 1323: *ibid.* I. 632 (148).

⁷⁴ *Genesis of Lancaster*, II. 89. See also the appendix to this article, p. 319.

⁷⁵ *Genesis of Lancaster*, I. c. See also *Rot. Parl.* II. 229.

were strongly on the earl's side.⁷⁶ There are indications that about that time the merchants began to take concerted action to consider their trading interests.⁷⁷ It may be that next year, in the general pacification of the realm, the young Prince Edward recognized the value of their association. In 1266, too, Henry III gave Edward authority over all the merchants of the realm, 'both those coming to the realm and those leaving it'.⁷⁸ Either in 1265 or 1266 also was granted what is called a 'new aid' on wools and hides,⁷⁹ which, like the subsequent 'Ancient Customs' of 1275, did not recognize local exemptions. This 'new aid' was farmed for a while by a company of Italian merchants for 6,000 marks a year,⁸⁰ which may represent the price paid by the merchants of England for securing the prince's recognition of their new organization. It is significant that in 1267 English merchants obtained a new grant of privileges at Bruges,⁸¹ and that Italian merchants acted as collectors of the royal customs until 1311;⁸² and also that the older traditional date for the Assize of Weights and Measures and the Assize of Ale was 1266. There was immediate protest against the 'new aid'. The bishop of Durham and the countess of Albemarle tried to prevent its collection within their liberties.⁸³ In answer to a protest by Louis IX of France King Henry promised to withdraw it after little more than a year.⁸⁴ That the young prince did not agree with his father is evident,

⁷⁶ All goods of Londoners were granted to Prince Edward in 1266 (*Foedera*, i. 468) and it was probably from this specific part of the 'new aid' that the Londoners bought themselves free for 200 marks in 1268 (*Liber de Antiquis Legibus*, 1846, p. 109), although London had long been freed by repeated charters from all ordinary payments. Among those who paid the 'new aid' were merchants from France, Bruges, Hamburg, Lübeck, and Cologne (*Cal. of Pat. Rolls, 1266-72*, pp. 141, 52, 5, 20, 23).

⁷⁷ It is also probable that there was an organization among the merchants completed some time earlier, perhaps in 1259 or soon after. The complaints of Matthew Paris, directed against foreigners because they did not pay their share in the expenses of the citizens, seem to indicate general discussion on the subject at that time: *Chronica Maiora*, ed. H. R. Luard, iii. 328-31; iv. 8, 422; v. 404-5. One distinctive feature of the staple organization was the inclusion of aliens and other non-resident merchants in an association that shared in 'scot and lot' with the citizens.

⁷⁸ See above, p. 305.

⁷⁹ Collectors were appointed throughout the realm: *Cal. of Pat. Rolls, 1268-66*, p. 580; *1266-72*, p. 142.

⁸⁰ *Lib. de Antiq. Leg.*, p. 109.

⁸¹ English privileges at Bruges in 1267 were included in general privileges for all those frequenting the Flemish fairs, dated 27 June 1267. A number of others are included in Varenbergh, *Histoire des Relations Diplomatiques entre Flandre et l'Angleterre au Moyen Age*, Bruxelles, 1874.

⁸² Several Italian companies acted as collectors at various times during the reign of Edward I, and most of them succeeded in getting into trouble, either over their accounts, as did the Riccardi of Lucca, or through their unpopularity with the English, as was the case with the Frescobaldi of Florence. The latter were collectors when Edward II was obliged to agree to the New Ordinances in 1311, where Emerico de Frescobaldi is mentioned by name: 5 Edward II, ch. 8.

⁸³ *Cal. of Pat. Rolls, 1266-72*, p. 1.

⁸⁴ *Ibid.*, p. 14.

since almost his first public action after returning from the crusade was to obtain from the merchants a renewal of the same sort of grant, in this case the famous 'Ancient Customs'. How unimportant the magnates' consent to the grant was thought may be inferred from the fact that writs appointing collectors in the ports were issued before parliament met. In this parliament again there were present two citizens from every city, and two burgesses from every borough.

When we consider how important assemblies of representatives from the towns became in making additional grants on the customs, we can hardly escape the conclusion that the earliest meetings of the merchants and the first collection of general customs are necessarily connected. This would make us place the beginning of the Company of the Staple at latest in 1266. Reciprocal treaties between Flanders and England point in the same direction: several of these date from 1258 to 1260; and privileges to Ghent, Douai, Ypres, and Bruges were granted by Henry III between 1259 and 1261.⁸⁵ Moreover, in the great suit between the merchants of the staple and the merchant adventurers in the time of Elizabeth, the former company asserted that Henry III had originally recognized their company, and the adventurers acknowledged their claim.⁸⁶ Yet it would hardly be right to think of a formal incorporation of the Company of the Staple in 1266. If we call them the merchants of the staple, a title often used quite as formally, we should not be far wrong. Probably at that time the association was one of all 'merchants of the realm' trading to Flanders, as the charter of 1313 still called them. Possibly the tendency to exclusiveness began with that charter, although it is more probable that it was obtained in order to secure the adherence of aliens to the regulations of the English merchants. In a suit before the chancellor in 1319-20, the merchants claimed that there had long been a foreign staple, but that only recently had there been a fine for disregarding it.

The connexion between this federal association of merchants and the body of citizens and burgesses summoned to parliament is another matter on which we need more light. Under Edward I we get few indications of their activity. In addition to the

⁸⁵ See above, note 76.

⁸⁶ This report of about 1580 is entitled, 'The effect of the allegations of the staplers for their Challenge in trade with wollen cloth, as the same are reported to the committes with awnswer of the merchauntis adventurers, to the same. Article 1. Article primo ys shewed that a° 51 Henry III there was a wollen staple, wolle shipped, and officers belonging to yt': Schanz, *Englische Handelspolitik*, ii. 598, no. 135. The wording of the report, except in mentioning the officers, does not necessarily mean an organization of the staple as it was later known; but the mention of officers, together with the date of 1266-7, seems more than a chance coincidence.

instances already mentioned, merchants were summoned to meet the two provincial councils of 1283, and a result of that meeting was the first purely mercantile statute, that of Acton Burnel. The fuller Statute of Merchants of 1285 was merely an enlargement and a confirmation in full parliament of what had been organized two years before. Mr. Hilary Jenkinson inclines to mark a distinction between burgesses summoned by writs directed immediately to their mayors and bailiffs, and those by writs to the sheriffs.⁸⁷ Writs were directed to the mayors and bailiffs in 1265, in 1296, in 1300, and in 1303; to the sheriffs in 1275, 1283, 1295, 1298, 1299, 1300 (to all those who had appeared in the earlier parliament of that year, for which the writs had been issued to the mayors and bailiffs), in 1302, 1305, 1306, 1307. While this distinction might show a difference between the merchants meeting as a trading association and as part of parliament, it is neither clear nor sharply drawn. Both sorts of writs continued to be issued in the reign of Edward II. There are, however, many instances in which merchants could not have formed part of parliament. In 1294, when there was no general parliament, Edward I clearly states that the 'mal-tolt' was granted by the 'merchants of England'.⁸⁸ The second grant in 1297 was quashed in parliament.⁸⁹ In 1317, again when there was no parliament, the merchants consented to a 'loan' on wools and hides.⁹⁰ In 1318 writs were directed to the mayors and bailiffs to send representatives to London to consider the removal of the staple to Calais,⁹¹ and again in 1326 to the sheriffs, to send representatives to London to elect a mayor of the staple, since the foreign staple had just been abolished.⁹² While the assembly of merchants did not make grants on the customs after 1351, yet this federal body still occasionally met to transact the business of the staple. In 1361 representatives from the cities and boroughs were summoned to York to consider matters of the staple.⁹³ About a year later the staple for wool was transferred to Calais, perhaps as a result of the York meeting. After that, while the staple for wool remained at Calais with short interruptions, the staple for cloth was frequently changed.

To recapitulate: the merchants of the staple formed a federal organization of merchants from all the chief cities and boroughs of the realm. It was probably first organized in 1265 or even a few years earlier, and gained the recognition of Prince Edward in 1266, at the price of a general custom on wools and hides. This duty was withdrawn during the last years of Henry III, but it was

⁸⁷ *The First Parliament of Edward I*, ante, xxv. (1910) 231-42; especially p. 233.

⁸⁸ *Cal. of Fine Rolls, 1272-1307*, p. 347.

⁸⁹ *Parl. Writs*, II. ii, App., p. 115.

⁹² *Cal. of Close Rolls, 1323-7*, p. 564.

⁸⁹ Stubbs, *Const. Hist.* ii. 201.

⁹¹ *Foedera*, II. i. 378.

⁹³ *Foedera*, III. ii. 617-18.

at once re-enacted by Edward and accepted by the merchants. Their organization included a local body at each port and a general one in the foreign mart, which was apparently Bruges from the beginning. But because the association was at first voluntary, it was not thought necessary to protect it by penalties. Alien as well as native merchants were members of the association, because all must share in the customs and perhaps in certain local dues.⁹⁴ Trade grew rapidly, and it soon became unprofitable, especially for aliens, to carry all their wares to the staple at Bruges. This was still more true after the Genoese and Venetian galleys began to make regular voyages by sea to England and Flanders and back again. They therefore evaded the regulations. As a consequence the English merchants sought to draw the lines closer. They accordingly obtained the first charter of 1313, which established penalties for all infractions of staple regulations. Probably at the same time, if not before, the federal association of merchants took charge of the customs at the ports, a duty which had been performed by the Italians before the time of the New Ordinances.

Authority became more centralized, and the merchants, instead of the king, began to appoint collectors at the ports. The fact that representatives from the towns were frequently called to parliament enabled them to discuss other matters related purely to trade, and sometimes they might meet for such purposes even if parliament was not summoned. The merchants made grants on the customs both in and out of parliament, that is whether they attended alone, or in association with the knights of the shires. Probably the note of exclusiveness begins to be sounded as early as 1313. But when the staple for cloth was separated from that of wool, and a special body of merchants dealing in cloth began to form, we find among the merchants of the staple tendencies towards monopoly characteristic of the later company. The wording of the Statute of the Staple of 1353 indicates this, as does the subsequent election of a mayor in each staple port. The later history of the company is outside the scope of this paper. It is possible that divided interests among the merchants of the federal organization, which must have included both staplers and those who will later be called adventurers, tended to hinder joint action. Therefore the desire for centralization and for the general oversight of each company's trade would be realized at the court of the foreign mart, while meetings of the association of merchants in England would no longer necessarily coincide with those of parliament, and would therefore be held less and less frequently. But there were also representatives from many of the English ports constantly in the

⁹⁴ One reason, therefore, for organizing the merchants was to compel all merchants to bear their part in the citizens' burdens. See above, note 77.

staple mart, and while the interest of London was always very strong, there would be an opportunity for some general co-operation in the general court. This would also explain the conspicuous position in the later companies, like the merchant adventurers, of the association in the mart town.

In the home staple the mayor and merchants of the staple settled local requirements and looked after the collection of the customs and the shipment of wools and hides to foreign parts. Their courts dealt with all purely mercantile matters, and with all cases involving merchants, alien or native, except of felonies and pleas of land. Recognizances of debt were recorded in their rolls. Suits were determined by the law merchant, or, in maritime cases, by the practice of the ports, that is, by the Rolls of Oleron. From one point of view the organization of the foreign staple was that of the home staples, but it was magnified in importance so as to include trade from all parts of England. The merchants there were also members of the local staples, and so served to link together the parts of the organization.

While the Company of the Staple was originally an organization of merchants for trading purposes, yet it always had a quasi-public character. It was formed, however, not on the king's initiative, but by English towns themselves, in order to preserve uniformity in trade and to secure greater advantages for their business both at home and abroad.⁹⁵ But the king could easily make use of a great federated body of merchants trading to foreign lands to collect customs on their goods, and still more to share their profits with him by making grants of customs. While, therefore, the merchants of the staple from the beginning were acting for a federation of English towns, yet very early they became also a semi-official body acting in many ways for the king through their central organization. This combined public and semi-official character they never entirely lost until after the loss of Calais, when their importance rapidly declined.

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⁹⁵ The relation of the local staple to the local town government is a question which needs further study, but it will perhaps not be going too far to suggest the probability that the organization of the local staple was identical with that of the local gild merchant, at least in the early part of the fourteenth century.

APPENDIX

GRANTS OF CUSTOMS BY MERCHANTS—WOOL, HIDES, AND WINE

| | <i>Grant by</i> | |
|--|--|---|
| 1266? 'New aid' until 1267-8 | All merchants | Farmed for 6000 M. a year. ¹ |
| 1274 'Ancient Custom' | All merchants | 6s. 8d. on wool; 13s. 4d. on hides. ² |
| 1294 'Maltolt' until 1297? | All merchants | 40s. 0d. on wool; 66s. 8d. on hides. ³ |
| 1302 Wine prise | Denizens, Gascons, &c. | 2s. 0d. per tun on wine. ⁴ |
| 1303 Parva Custuma | Aliens | 3s. 4d. on wool; 6s. 8d. on hides. ⁵ |
| 1303 English merchants refused. ⁶ | | |
| 1311 New Ordinances return to 'Ancient Custom'. ⁷ | | |
| 1317 'New Increment' (Loan) | All merchants
Aliens (also the Parva Custuma) | 6s. 8d. on wool; 13s. 4d. on hides. ⁸ |
| 1322 'New Increment' | All merchants | 6s. 6d. on wool; 13s. 4d. on hides. ⁹ |
| 1322 'Parva Custuma' | Aliens | 3s. 4d. on wool; 6s. 8d. on hides. ¹⁰ |
| 1323 Wine duty | Wine merchants | 2s. 0d. per tun. ¹¹ |
| 1327 Subsidy | All merchants | 6s. 8d. on wool. ¹² |
| 1332 Subsidy (until 1333) | All merchants | 6s. 8d. on wool; 13s. 4d. on hides. ¹³ |
| 1333 Subsidy (until 1336) | All merchants | 10s. 0d. ,, 20s. 0d. ,, |
| 1336 No grant recorded. | | 40s. 0d. ,, 80s. 0d. ,, |
| 1337 [Subsidy] | All merchants | 40s. 0d. ,, 80s. 0d. ,, |
| 1340 Subsidy | Natives | 40s. 0d. ,, 80s. 0d. ,, |
| 1344 Subsidy | All merchants | 40s. 0d. ,, 80s. 0d. ,, |
| 1346 Subsidy | of La Hogue | £2 ,, £2 ,, |
| 1347 | | £2 ,, |
| 1348 | | 40s. 0d. ,, 80s. 0d. ,, |
| 1350 | 'Per concilium' | 60s. 0d. ,, 120s. 0d. ,, |
| 1351 | Parliament | 40s. 0d. ,, 80s. 0d. ,, |

¹ *Liber de Antiq. Leg.*, p. 109.² Ramsay, *Dawn*, pp. 407, 533.³ London *Liber Cust.* i. 205-11.⁴ 5 Edward II, ch. 11.⁵ *Ibid.*, p. 193 (167-8).⁶ *Ibid.* II. ii. 227; i. 632 (148).⁷ Ramsay, *Genesis of Lancaster*, ii. 88-91, and Table.⁸ *Ibid.*⁹ *Parl. Writs*, I. i. (2).¹⁰ Bordeaux *Livre de Bouillon*, p. 160.¹¹ *Parl. Writs*, i. 373.¹² *Parl. Writs*, II. ii, App. pp. 115, 118.¹³ *Ibid.* i. 632 (148).

The Secrecy of the Post

IN some countries now the mails in ordinary times are regarded as virtually inviolable, but formerly they were often subjected to scrutiny and seizure at the behest of government officials. Such interference is not surprising in Turkey, but it prevailed also in France and in neighbouring countries during the old régime. In England it has never been formally abolished, but lingered on in occasional practice until it was almost entirely forgotten. Here the carrying of letters was at first largely for the convenience of the king, and entirely within his power and prerogative. In the reign of Edward II, for example, there are royal orders directing officials to detain letters and send them to court.¹ More numerous notices can be found in later times. In 1637 the king ordered that the post should carry only certain letters allowed by the government.² After the meeting of the Long Parliament frequent orders were given by the houses for the detention and inspection of letters.³ On one occasion when this was done the Venetian ambassador was roused to furious indignation, and was not appeased until a committee of the lords waited upon him expressing regret and promising that his letters should be restored to him.⁴ Later on many orders were issued by the council of state to seize and examine correspondence, the government of the Commonwealth doing openly what had before been generally done in secret.⁵ The practice was remembered when in 1657 an act for settling the postage of England, Scotland, and Ireland stated that the erecting of one general post office was not only the best means of maintaining constant and certain intercourse, but also of discovering and preventing dangerous designs contrived against the general good.⁶

¹ Rymer (new ed.), ii. 582, 606, 642, 644, quoted in *Report from the Secret Committee on the Post Office; together with the Appendix* (Parliamentary Papers, session 1844, xiv, appendix), pp. 96-8. This report, which contains an excellent and detailed account of the history of the post office, is the authority for a number of the statements made in this paper, and has been used also by some of the other authorities cited.

² Cf. J. W. Hyde, *The Early History of the Post* (London, 1894), p. 109.

³ *Report from the Secret Committee*, app., pp. 101-5.

⁴ *Lords' Journals*, iv. 435-7.

⁵ J. C. Hemmeon, *History of the British Post Office* (Cambridge, Massachusetts, 1912), p. 21; Hyde, pp. 198, 204-6.

⁶ *Report*, app., p. 72; H. Joyce, *History of the Post Office* (London, 1893), p. 28.

After the Restoration, however, the king's power through his servants was restricted to his secretaries alone. In later times some maintained that their prerogative was a hateful and illegal innovation, but it was on the contrary a distinct limitation of the ancient right of the Crown. In 1660 parliament passed an act for establishing a post office.⁷ Henry Bishop was made postmaster-general, and the indenture enrolled with the letters patent provided that the lessee should permit the secretaries of state to inspect all letters at their discretion. Three years later a like provision was made in the grant to O'Neale.⁸ At this time it was ordered by proclamation that no person employed in the postal service or any other should presume to stop the mail or open any letter except by immediate warrant of the secretaries.⁹ The statute of Charles II was superseded under Anne by another law which declared that since abuses might be committed by wilfully opening, embezzling, or detaining letters or packets, any person doing this should be fined in the sum of twenty pounds, unless it were done by express warrant in writing under the hand of one of the principal secretaries of state.¹⁰

In the eighteenth century many well-known examples illustrate the exercise of this power. In 1722-3, during the proceedings upon the passing of a bill of pains and penalties against Bishop Atterbury and his associates, the principal evidence adduced was that of clerks of the post office who had opened and copied letters in obedience to the secretary's warrants. No one questioned that these warrants were legal, though counsel for the bishop asked what remedy there was if a letter were falsely copied and the original then sent forward.¹¹ The prime minister had even asked to have Atterbury's letters opened in foreign post offices.¹² 'Sir Robert will see every thing I write to you . . . so I will be extremely careful what I say,' Pulteney tells a friend somewhat later.¹³ In 1735 complaint was made in the house of commons that even members' letters were opened. Walpole did not defend this, but asserted that in times of danger, unless the ministry had discretionary power of ordering letters to be opened at the post office, it would be difficult to discover bad practices against the government. It was insinuated that he encouraged such doings to obtain knowledge of the private affairs of merchants, but the commons merely resolved that opening correspondence of members except by warrant of the secretary was an infringement of privi-

⁷ 12 Charles II, c. 35.

⁸ Hemmeon, pp. 25, 26.

⁹ *Report*, app., p. 89.

¹⁰ 9 Anne, c. 10.

¹¹ *Report*, app., p. 109; *Lords' Journals*, xxii. 162, 163, 171-3, 180, 183, 185, 186, 188, 189.

¹² *State Papers, Dom.*, George I, xl, 1722.

¹³ Additional MS, 27732, fo. 49.

lege.¹⁴ Some years after, Newcastle told the king that in Sir Robert's time the French minister and the minister of the emperor were in close correspondence with the leaders of the opposition, and 'that we intercepted all their letters, and saw all that had passed between them'.¹⁵ After the fall of Walpole in 1742 the committee of secrecy, which searched for evidence of his misdeeds, gave a description of the establishment for inspecting letters; ¹⁶ but shortly after, during the rebellion of 1745, ministers again issued warrants of a very general and unlimited character. In 1758, when Dr. Hensey was tried for treasonable correspondence with the enemy, the principal evidence was given by a clerk of the post office who had opened his letters and delivered them to the secretary of state. A generation later Horne Tooke's mail was intercepted before his trial.¹⁷ In the latter part of the century information was obtained through the post office not only about plots and conspiracies but also concerning opinions and plans.¹⁸ Numerous allusions in the correspondence of the public men of George III's time show that it was known how common the practice was, and that many letters were sent by private hands in the hope of avoiding this scrutiny. In 1790 it was admitted that the delivery of letters from abroad was closely complicated with a 'secret office'. It has been conjectured, however, that the matter did not arouse general interest, since the high charges prevented the public from making much use of the post, and that there was no effective opposition because public opinion was only just beginning to exist.¹⁹ At all events, a statute at the beginning of Victoria's reign continued the regulation which had been laid down in the statute of Anne.²⁰

A warrant of the eighteenth century may be given as an illustration, since the form was little if at all changed afterwards.²¹ A general warrant of 1722 ran :

These are to Authorize & impower you to Open, & Detain all letters, & packets that shall come to your Office in the French, & Flanders Mails, from time, to time, until you receive Orders to the contrary; & to cause such of them to be Copy'd, wherein you shall find any thing containd which may be for His Majestys service.²²

¹⁴ *Report from the Secret Committee*, p. 8; Tindal, *History of England*, xx. 274, 275; *Commons' Journals*, xxii. 464.

¹⁵ *A Narrative of the Changes in the Ministry, 1765-7* (Camden Society, 1898), p. 74.

¹⁶ *Commons' Journals*, xxiv. 331.

¹⁷ *Report from the Secret Committee*, pp. 8, 9.

¹⁸ Cf. 3 *Parliamentary Debates*, lxxv. 1330.

¹⁹ Sir T. Erskine May, *Constitutional History of England* (London, 1875), iii. 45; Joyce, pp. 171, 268, 269; Hemmeon, p. 47.

²⁰ 1 *Victoria*, c. 33.

²¹ 3 *Parl. Deb.*, lxxviii. 1351, 1352.

²² State Papers, Dom., George I, xxxi, 23 April 1722.

In 1730 Newcastle issued such a warrant to the postmaster-general bidding him copy and transmit copies of all letters addressed 'to the Persons following', a list of one hundred and twelve names including the sovereigns and principal statesmen of Europe. Similar orders are not infrequent.²³

It was not merely the correspondence of statesmen and diplomatic representatives which was liable to be stopped and opened, or even the letters of suspected intriguers or persons considered dangerous to the government. The power of intercepting correspondence and thus obtaining information otherwise difficult to get was sought by other people against ordinary citizens, this power, of course, being conferred only by warrant under the hand and seal of one of the secretaries.²⁴ In 1731 Harrington gives order to stop and open at the post office all letters addressed to two persons believed to be carrying on correspondence with some one who had fled from England with jewels, so that his whereabouts might be ascertained.²⁵ About the same time the governor and directors of the bank of England ask that all letters addressed to a man arrested for forgery may be opened, and the secretary directs the postmaster to allow them to read the correspondence.²⁶ On another occasion Newcastle signs the king's order that all letters for John Peele, merchant, be detained in order that they may be read by the commissioners of the customs.²⁷ Again, a request is granted that all communications addressed to two bankrupts be stopped so that the creditors may read them.²⁸ In 1735 there is warrant to open all letters to or from the envoy extraordinary from Portugal, for copies of them to be laid before the king. And further :

As there is reason to believe that this Minister's Correspondence will partly be carried on by the Means of some Merchants under whose Cover his Letters may be conveyed, whose Names not being known they cannot be particularly described, You will open all Letters that pass thro' Your Office, wherein You shall Suspect the said Envoy's Letters to be inclosed till further Order.²⁹

A little later we find warrant given for the opening of all letters addressed to any person in Falmouth in which other letters may seem to be enclosed.³⁰

The authorities had reason to apprehend that the practice

²³ State Papers, Dom., George II, xix, 31 July 1730; xx, 30 September 1730.

²⁴ *Ibid.* xlvi, 19 December 1738.

²⁵ State Papers, Dom., Entry Books, cxxii, 13 July 1731.

²⁶ *Ibid.* 16 July 1731.

²⁷ State Papers, Dom., George II, xxxiv, 28 February 1734/5.

²⁸ State Papers, Dom., Entry Books, cxxix, 2 December 1738.

²⁹ State Papers, Dom., George II, xxxiv, 14 April 1735.

³⁰ *Ibid.* xxxviii, 17 February 1735/6.

might be carried too far. In 1732 Robert Holt suspected certain papists of designs to convert his daughter, and saw no means of preventing it unless the local postmaster opened letters to obtain information. Newcastle asked about the advisability of directing the postmaster in Lancashire to do this. The postmasters-general opposed the request, since there was no precedent for power to be given to a postmaster in the country to detain and open letters, either by warrant from the secretary or from the postmaster-general. Moreover, they said :

We have frequently Complaints from the Country that Letters have been opened, although it is well known that the Postmasters take an Oath to the contrary, now if it be known that such a Power may be given them from authority, whatever they do clandestinely may be laid to the Charge of their Superiors, and may draw complaints upon us, which are best to be avoided.³¹

That such irregularities had given trouble is evident from a communication of Newcastle about complaints to the king concerning letters opened at the post office, probably by under-officials without express direction, in consequence of which the king ordered that nothing should be done in future except by warrant in accordance with the statute.³²

Like some other things in England the practice lingered on with full legal sanction long after it had ceased to be noticed, and when it was almost entirely forgotten. In 1844 it was said that not one out of twenty thousand knew of the provision authorizing it.³³ But an event occurred in that year which attracted general attention and aroused suspicion and deep indignation. Sir James Graham, secretary of state for home affairs, caused letters to be opened belonging to Mazzini and other refugees from Italy. The matter was at once brought before the house of commons. One of the members, Mr. Duncombe, asked for a committee of investigation, and although his motion was defeated, Sir James himself requested that a committee should be appointed. This was done, and the question was discussed angrily and at length in parliament for some months.³⁴ Speakers declared that the practice resembled the odious spy system of

³¹ State Papers, Dom., Entry Books, cxxviii, 18 September, 7 November 1732.

³² State Papers, Dom., George II, xix, 31 July 1730.

³³ 3 *Parl. Deb.* lxxv. 896. In his autobiography Sir Rowland Hill wrote : ' Incredible as it may appear to my readers, it is nevertheless true that so late as 1844 a system, dating from some far distant time, was in full operation, under which clerks from the Foreign Office used to attend on the arrival of mails from abroad, to open the letters addressed to certain ministers resident in England, and make from them such extracts as they deemed useful for the service of Government ' (London, 1880), ii. 28.

³⁴ Spencer Walpole, *History of England* (London, 1912), v. 378, note ; Hill, ii. 28 ; W. Lewins, *Her Majesty's Mails* (London, 1865), pp. 214-25.

foreign countries ; that Englishmen had always boasted of their letters being sacred, and going through the post unexamined and free ; that it was against the principles of the law and the constitution to entrap men by their secret communications ; and that a system of forging seals and defacing postmarks was ' organized and legalized hypocrisy ' .³⁵ Macaulay declared that the power had indeed been entrusted to the government in cases of necessity, but it was something singularly abhorrent to the genius of the English people.³⁶ Some disputed the right to issue such warrants under any act of parliament, and believed that if one of them were brought before the court of queen's bench its legality would not be upheld. Others thought that an express warrant was required for the opening of each letter, though the lord chancellor was of the contrary opinion.³⁷ It was also said that the power could be exercised only by virtue of statute ; by the common law letters were sacred.³⁸ Advocates of the system affirmed that in early times, when carrying letters was part of the prerogative of the Crown, the government did not hesitate to open them ; that such action then was not a legal offence, nor a misdemeanour, nor even ground for a civil action ; and that the statute of Anne making it a misdemeanour to open letters had particularly reserved exemption in favour of the Crown.³⁹ Lord Lyndhurst, the lord chancellor, asserted that neither the statute of Anne nor the ordinance of Cromwell had created the power of the secretary to issue warrants, both of them assuming the existence of this power as a matter of course.⁴⁰

A vast amount of information was collected by the committees of the lords and of the commons, who searched records not easily accessible in those days, and called before them all the officials likely to be informed. From incomplete accounts they learned of 101 warrants down to 1798, before official record was kept, and of 372 of later times.⁴¹ They found warrants which related to political libels and to the enlistment of Irish recruits for service in France ; and which permitted an elder son to open the letters of his younger brother : others concerned a robbery of bank bills, papers and packets suspected to contain matter of dangerous tendency or treasonable correspondence, Lord George Gordon's correspondence, all letters addressed to France, Flanders, and Holland during the Napoleonic war, and correspondence of certain suspects in industrial towns during the same period, and even in 1842 and 1843 when the government was alarmed by

³⁵ 3 *Parl. Deb.* lxxv. 895, 974, 1333 ; lxxix. 325.

³⁶ *Ibid.* lxxv. 1274.

³⁷ *Ibid.* lxxvi. 76-8 ; lxxvii. 917 ; lxxix. 205.

³⁸ *Ibid.* lxxv. 977, 978.

³⁹ *Ibid.* lxxix. 316, 317, 320.

⁴⁰ *Ibid.* lxxvi. 78.

⁴¹ *Report from the Secret Committee*, pp. 9-11.

disturbances in the manufacturing and mining districts.⁴² The committee of the commons believed that some of these warrants had been of service to the state.⁴³ The lords' committee reported that for some time the average number issued each year had been small, and that two-thirds of them were for tracing embezzlers and offenders, application being made usually by magistrates or solicitors conducting the prosecution; that detention of correspondence was invariably refused now in cases where merely civil rights were concerned; that six or seven warrants upon a circulation of more than two hundred million letters could not be regarded as materially interfering with the sanctity of private rights; that the very few warrants which were issued in addition were against persons who seemed to threaten the public tranquillity; and that of late even this power had been very sparingly exercised, and not from party or personal motives. The witnesses most competent to judge declared that they would be reluctant to see the power abolished.⁴⁴ The result of these reports and also of the lengthy debates was that when, after a great deal of speaking and complaint, Mr. Duncombe moved for leave to bring in a bill to secure the inviolability of letters passing through the post office, the motion was lost; and it may be added that no amendment to the existing law had been recommended by either of the committees.⁴⁵

It is the opinion of some writers that since that time nevertheless such warrants have virtually or entirely ceased to be issued;⁴⁶ but the provision of law which had continued from the time of Marlborough to the days of Lord John Russell and Peel lingered on through the period of Victoria, and was re-enacted in the reign of her son.⁴⁷ As time went on the penalties for interfering with the mails were made greater, but in the end letters might still be opened in obedience to an express warrant in writing under the hand of a secretary of state.

During the attack upon Sir James Graham it was said, erroneously no doubt, that the obnoxious power existed in no other country; and it was particularly urged that it was unlawful in the United States, in Canada, in British colonies, in Belgium, and in France.⁴⁸ In the United States, it may be observed, the Fourth Amendment to the Constitution, declaring the right of the people to be secure in their persons, houses, and papers against

⁴² *Report from the Select Committee*, pp. 12, 13.

⁴³ *Ibid.*, pp. 18, 19.

⁴⁴ *Lords' Journals*, lxxvi. 641, 642; printed as *Report from the Secret Committee of the House of Lords relative to the Post Office* (*Parliamentary Papers*, session 1844, xiv), pp. 1-3.

⁴⁵ 3 *Parl. Deb.* lxxix. 307, 328; May, iii. 47.

⁴⁶ Lewins, p. 224; May, iii. 49.

⁴⁷ 8 Edward VII, c. 48, section 56.

⁴⁸ 3 *Parl. Deb.* lxxix. 309.

unreasonable searches and seizures, has been explicitly construed to extend to their letters passing through the post office, so that not only have penalties been provided against interfering with correspondence, but even government regulations excluding matter from the mails cannot be enforced in the way of examining letters or sealed packages without warrant issued upon oath or affirmation.⁴⁹ Under no circumstances has any person in the postal service, unless employed in the Dead Letter Office, authority to open or cause to be opened, upon any pretext, any sealed letter or packet while in the mails, except upon legal warrant therefor: 'that it may contain improper or criminal matter, or furnish evidence for the conviction of offenders, is no excuse.'⁵⁰

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⁴⁹ Supreme Court of the United States, 1877, *Ex parte Jackson*, 96 *U. S. Reports*, 732-5; *Compiled Statutes of the United States* (1901), ii. 2657.

⁵⁰ *Postal Laws and Regulations*, section 522.

Notes and Documents

The Beginning of the Year in the Alfredian Chronicle (866-87)

THE problem of the date of the commencement of the year in the English Chronicle is one which, in view of its importance to students of Anglo-Saxon chronology, has received less than its fair share of the attention of English historians. It is discussed in a short appendix to the Introduction to vol. ii of Mr. Plummer's *Two Saxon Chronicles Parallel*, published in 1899, as well as by Mr. W. H. Stevenson¹ and Mr. Alfred Anscombe.² But the whole literature of the subject is slight in volume and limited in range. My object in this paper being to attempt to determine from what day the year was reckoned by annalists in the south of England at the time of the composition of the Chronicle in the reign of Alfred, I will begin with a brief summary of the conclusions or conjectures of the writers whose names I have mentioned.

The opinion of the editor of the English Chronicle must be first considered. In Mr. Plummer's judgement 'the only two commencements (of the year) which we have to consider seriously in relation to the Chronicle are Easter and Christmas'.³ In support of the Easter beginning Mr. Plummer quotes a number of examples drawn from the years 1009-86. It has already been pointed out by Mr. Poole that, with two exceptions, which can be otherwise explained, these entries accord with the supposition that the chronicler was reckoning by the *Stylus Florentinus*, which began the year with the Annunciation (25 March) succeeding the 1 January of the Julian year.⁴ Since the practice of dating the year from Easter appears to have originated in the chancery of the kings of France at a period somewhat later than that

¹ *Ante*, xiii. 71-7 (January 1898), and *Asser's Life of Alfred* (1904), p. 282, n.

² *Athenaeum*, 22 September and 10 November 1900; *British Numismatic Journal*, series I, vols. iv, v (1907-8).

³ Plummer, *Two Saxon Chronicles Parallel* (1892, 1899), II. cxxxix.

⁴ *Ante*, xvi. (1901) 719-21. The *Stylus Florentinus*, represented in England by the *Old Style*, differed by twelve months from the *Stylus Pisanus*, which began the year with the Annunciation preceding 1 January.

indicated, and since there is no evidence to show that it was ever adopted in this country, it is reasonable to assume that the instances collected by Mr. Plummer are merely early examples of the employment of the Florentine reckoning, which became general in England from the reign of Henry II. As regards the system in use in Alfred's day Mr. Plummer holds that 'the reckoning from Christmas prevails throughout the Alfredian Chronicle, i. e. up to about 892'.⁵ Unluckily this view, which denies that any chronological difficulty exists, takes no account of a circumstance upon which Mr. Stevenson had commented in this Review before the appearance of Mr. Plummer's volume, namely, that 'in the Chronicle of Alfred's time we come across several instances where the first events recorded in a given year happened late in the autumn or in October or November', whilst the foreign events from 878 onwards are frequently recorded a year too late.

Mr. Stevenson's own interpretation of these phenomena is a merely tentative one. After remarking that in the case of events on the Continent the news might sometimes not reach England until after Christmas, thus causing the events themselves to be entered in the Chronicle under the year subsequent to that in which they actually occurred,⁶ he cites certain instances, to be noted below, which are not susceptible of so simple an explanation.

'These instances', he says, 'would follow in the order given in the Chronicle in a year beginning 25 March, which would have been the proper commencement in the era of the Incarnation. If the year commenced on 25 March preceding 25 December, and not on 25 March following that date, we should have an easy explanation of the annals being in so many cases a year in advance of the real date, since 9 months of the year would, according to our system, be pre-dated one year.'⁷

Mr. Stevenson did not commit himself definitely to the opinion that English chroniclers of the ninth century employed the *Stylus Pisanus* in reckoning their year-dates; ⁸ but the fact that a writer of his authority should have been prepared to reject the Christmas commencement was in itself no small contribution to the study of a problem the existence of which was not suspected before

⁵ *Two Saxon Chronicles*, ii, p. cxl.

⁶ But this would seem to postulate the assumption that the annals were entered up year by year, which for this section of the Chronicle, at least, is certainly erroneous.

⁷ *Ante*, xiii. 75, 76 (1898).

⁸ Mr. Stevenson's conjecture has found a supporter in Professor Stenton, who, writing of Æthelwold's 'probable dependence upon a chronicle which began the year with the Annunciation preceding Christmas', observes that 'an original writer towards the close of the tenth century would naturally adopt the *Stylus Pisanus* in making his chronological indications, and there is some evidence to suggest that even the Alfredian sections of the Chronicle are based upon a year beginning with 25 March' (*ante*, xxiv. 79).

Mr. Stevenson called attention to it and can scarcely be said to be recognized even to-day.

Shortly after the publication of Mr. Stevenson's article and Mr. Plummer's book a letter from Mr. Anscombe to the *Athenaeum* introduced a new complication into the inquiry. In this communication, in which he was primarily concerned to justify the accuracy of the date (673) assigned by Bede to the Council of Hertford, Mr. Anscombe advanced the theory that 'the Old English annalistic year of Our Lord is an indiction year, the annuary numbers of which were changed on 1 September by those chroniclers who used the Greek indiction, and on 24 September by those who used the Caesarian one'.⁹ According to this method of computation an event which occurred between 1 (or 24) September and 31 December of the Julian year would be dated with the numeral of the year which succeeded it. Hence Mr. Anscombe suggested not only that one year must be subtracted from Bede's date for any event which is known to have taken place later than 24 September in a given year—Bede, it is certain, used the Caesarian not the Constantinopolitan (or Greek) indiction—but that the same principle should be applied to all similar dates supplied by the English Chronicle down to as late as the middle of the tenth century. A more elaborate treatise upon 'The Anglo-Saxon Computation of Historic Time in the Ninth Century' was afterwards contributed by Mr. Anscombe to the pages of the *British Numismatic Journal*.¹⁰ The obscurity of the writer's subject-matter and the nature of his treatment of it, which is technical rather than historical, have prevented Mr. Anscombe's views from receiving that amount of consideration at the hands of historians which they undoubtedly deserve. His original letter to the *Athenaeum* secured him an important convert in Sir James Ramsay;¹¹ but with this exception his opinions have been overlooked, or rejected, by subsequent writers upon the history of England before 1066.¹²

Four methods of beginning the year have thus to be considered: at the Annunciation (*Stylus Pisanus*), at the September indiction, at Christmas, and at the following Annunciation (*Stylus Florentinus*). Of another mode of reckoning, from 1 January, which was already in use amongst Irish annalists, Mr. Plummer is

⁹ *Athenaeum*, 22 September 1900.

¹⁰ *British Numismatic Journal*, series 1, vol. iv (pp. 241 ff.); vol. v (pp. 381 ff.).

¹¹ See his letters to the *Athenaeum*, 3 November and 1 December 1900. Sir James Ramsay's *Foundations of England* was published in 1898.

¹² The dates in Miss Lees, *Alfred the Great* (1915), like those in Hodgkin (*Political History of England*, vol. i, 1906) and Oman (*England before the Norman Conquest*, 1910), appear to be based upon the assumption that the year began at Christmas. No hint of the possibility that the year may have begun in September is to be found either in Mr. Plummer's *Life and Times of Alfred* (1902), or in Mr. Stevenson's *Asser* (1904), both published since the appearance of Mr. Anscombe's letter in the *Athenaeum*.

justified in observing that he has 'found no trace in the Saxon Chronicles'. The possibility that English chroniclers may have employed a different *caput anni* from any of those noted above must also not be excluded from consideration. In the following pages an attempt will be made to arrive at a solution of the problem, by a study of the internal evidence supplied by the Chronicle itself, so far as concerns that section of it to which the designation 'Alfredian' is specially appropriate, namely the period covered by the annals 866-87. I have chosen 887 rather than the more usual date 892 as a halting-place, because I believe that the original compilation of the Chronicle must be assigned to a period somewhat earlier than is generally supposed, and that the archetype of our extant manuscripts did not at first extend beyond the former of these two dates.¹³

One feature of the annals 866-87 cannot fail to arouse attention. The entries are almost exclusively military: they relate in much detail the annual movements of the Danish 'host' from the date of its arrival in England to the conclusion of the Treaty of Wedmore, and, more summarily, the subsequent wanderings of that section of Guthrum's following which declined to avail itself of the permission to settle in the Danelaw, preferring to continue a career of piracy at the expense of England's neighbours beyond the Channel. Thus from 866 to 878 the annals are concerned solely with England: from 879 to 887 the interest is mainly continental. It has not escaped notice that the ravages of the Danes in 'Frankland' (i. e. Germany, France, and Lotharingia) are generally recorded in the Chronicle one year later than that to which they properly belong. This led Earle, who, like all his contemporaries, assumed that the year began at Christmas, to formulate the theory since adopted by Mr. Plummer, that the annals 879-87 are consistently one year in advance of the correct dating.¹⁴ Now the peculiarity of these continental entries lies in the circumstance that, with few exceptions, they refer to events which took place about October or November, i. e. to the annual autumn migration of the Danes from one locality which they had 'eaten up' in the preceding summer to another which they destined for their head-quarters during the following twelve-month. Thus their coming to Ghent, recorded in the Chronicle under 880, should rightly be referred to the November of 879;¹⁵ their ascent of the Meuse 'far into France', given under 882,

¹³ This was the view of the German critic Grubitz and of the late Professor Earle (*Two of the Saxon Chronicles Parallel*, p. xv). It rests chiefly, though not wholly, upon the fact that Asser, although he was writing some years later, makes no use of the Chronicle after 887. Mr. Plummer thinks the inference 'uncertain' (ii, p. cxiii).

¹⁴ *Ibid.* ii. 95.

¹⁵ 'Nortmanni . . . mense Novembrio in Gandao Monasterio sedem sibi ad hiemandum statuunt': *Annales Vedastini*, a. 879, pp. 45 f., ed. B. Simson, 1909.

when, as Æthelwerd tells us, they 'measured out their camp' at Elsloo, belongs to the autumn of 881;¹⁶ their advance, noticed under 883, up the Scheldt to Condé, where they 'settled one year', took place in the autumn of 882;¹⁷ whilst the winter mentioned as *a.* 884, which they spent on the Somme at Amiens, was the winter of 883-4.¹⁸ Similarly, their taking up 'winter quarters at the city of Paris', noted by the Chronicle under 886, refers to the celebrated siege which began in November 885¹⁹ and was prolonged till the November of the following year. The latter, again, is the true date of their 'departure over the bridge at Paris' recorded in the annal for 887. All these instances, therefore, are consistent either with the view that the year began at Christmas and that the annals are all one year post-dated, or with the alternative theories that the English chronicler began the year either from the Annunciation preceding Christmas or from the September indiction.

This perplexing ambiguity is happily absent when we turn to those rare instances in which the Chronicle records Frankish occurrences which took place earlier in the year than September. Two such instances must be noticed. Under 881 the Chronicle relates that 'the host fared further inland into France, and the Franks fought against them'; Æthelwerd adds that the Franks got the victory and that the 'barbarians' were put to flight. The first half of the entry is too indefinite to allow any conclusion to be drawn from it; but the engagement in which the Danes were routed can safely be identified with the battle of Saucourt, which raised hopes, destined to be disappointed, that Louis III would deliver his country from the Scandinavian peril.²⁰ The battle of Saucourt was fought in August 881, i. e. in the same year as that in which it is recorded in the Chronicle, a circumstance which is consistent with the view that English annalists began the year in September or later, but is not consistent with the Pisan commencement, or with the supposition that *all* the annals 879-87 are one year in advance of the true chronology. Again, under 885 the Chronicle states that King Louis the Stammerer, the father of Louis III, died 'in the year when the sun was eclipsed', an event which it records under 879.

¹⁶ 'Mense Novembrio', Regino, *Chronicon*, *a.* 881, p. 118, ed. F. Kurze, 1890.

¹⁷ 'Nortmanni vero mense Octobrio in Condato sibi sedem firmant': *Ann. Vedast.*, *a.* 882, p. 52.

¹⁸ The Danes took up their winter-quarters at Amiens 'Octobrio mense finiente': *ibid.*, *a.* 883, p. 54.

¹⁹ *Ibid.*, *a.* 885, p. 58.

²⁰ *Annales Fuldenses*, *a.* 881. The writer adds that the Danes, after the battle of Saucourt, 'instaurato exercitu, et amplificato numero equitum,' proceeded to ravage the dominions of King Louis the Saxon: this accords with the statement in the Chronicle 'then was the host mounted there after the battle'.

Louis II died on 10 April 879,²¹ but the eclipse was on 29 October 878.²² Hence, if Louis died in the same calendar-year as the eclipse, it is obvious that the English year 879 must have begun before 29 October 878 and ended some time between April 879 and the following October. In any case, as Mr. Stevenson points out,²³ it is clear from these instances that we cannot correct all the dates by simply throwing them one year back.

Again, the annal for the year 885 is as long as its six predecessors put together. It records the siege of Rochester by a band of Danes who 'in the same summer departed over sea'; the two sea-fights at the mouth of the Stour; the death in 'that same year before mid-winter' of 'Charles, king of the Franks' (i. e. Carloman, king of France, whose death took place on 12 December 884²⁴); an attack by the Danes upon 'Old Saxony', with 'great fighting twice in the year' in which 'the Saxons had the victory, and the Frisians were there with them'; the recognition of the Emperor Charles the Fat as king of France; and the death of 'the good Pope Marinus'. The date of the last-mentioned event is uncertain, but it is generally assigned to 15 May 884, which would seem to support the view that the annals are one year post-dated. On the other hand, the death of King Carloman 'before mid-winter' is distinctly stated to have taken place in the same year which witnessed the siege of Rochester and the departure of the Danes 'in the summer', and it is certain that these events are correctly dated 885.²⁵ Since the Emperor Charles the Fat can scarcely be said to have 'succeeded to the western kingdom' before June 885,²⁶ we are left with the impression that the compiler of the annal regarded 12 December 884 and the following summer as falling within the same annalistic year 885, as indeed would be the case if the year had begun in September. The reference to 'great fighting' having taken place 'twice in the year' between the

²¹ Louis died on Good Friday: *Ann. Vedast.*, a. 879, p. 44.

²² For this eclipse, which is correctly dated in the *Annals of Ulster*, i. e. s. a. 877 (= 878), and in most of the continental chronicles, see Stevenson, *Asser*, pp. 281-6.

²³ *Ibid.*, p. 282, n.

²⁴ So Lavissee (*Hist. de France*, ii. 1, 392). But most of the Frankish Chronicles give 6 December.

²⁵ The *Annales Vedastini* are decisive as to the date. They state that at the end of October 884 the Danes burned their camp at Amiens and came to Boulogne, where 'pars illorum mare transit, atque pars Luvanium in regno quondam Hlotharii, ibique sibi castra statuunt ad hiemandum'. This move of a part of the host to Louvain is also mentioned by Æthelwerd: the Chronicle merely states that 'one part went eastwards'. It is clear that the detachment which 'crossed the sea' must have come to Kent about November 884, and that the relief of Rochester and the subsequent departure of the Danes 'in the summer' must be placed in 885.

²⁶ It is doubtful whether the formal recognition of Charles the Fat as king of France can be placed earlier than June 885, the date when he came to Ponthion: *Ann. Vedast.*, a. 885. See also Bouquet, *Recueil des Historiens*, viii. 215 n.

Danes and the Old Saxons supports this view. The *Annales Fuldenses*, a. 885, record a battle in Old Saxony in which the Saxons owed their victory to the timely intervention of a Frisian force which attacked the invaders in the rear.²⁷ Since the Chronicle expressly states that 'the Frisians were there with' the Saxons it is plain that this must be one of the two battles to which the annalist refers.²⁸ In the face of this further testimony to the accuracy of the Chronicle's dating, it is clearly not permissible to relegate the whole of the annal for 885 to the preceding year. On the contrary, from our scrutiny of the annals 879-87 one fact emerges. With a single exception (the obit of Pope Marinus) continental events which occur earlier in the season than September are correctly dated in the Chronicle, whilst those which happen in the autumn are invariably entered one year too late.

When we turn from these continental entries to those annals which are concerned with events in England we note in particular that for 871, Alfred's 'year of battles', and that for 878, the year of Ethandune and the Treaty of Wedmore. The annal for 871 is rich in chronological indications which enable us to fix with something approaching precision the exact date of each of the actions fought in the course of this campaign. Five battles, viz. Englefield, Reading ('after 4 nights'), Ashdown ('4 nights after'), Basing ('after 14 nights'), and Marton ('about 2 months afterwards'), fill up the interval between the beginning of the year and Easter, which in 871 fell on 15 April. The date of one of these engagements can be determined; the battle of Marton, it would seem, was fought on 22 March, that being the day assigned in the English calendar to the obit of Heahmund, bishop of Sherborne, who fell in this action.²⁹ This, in turn, fixes Basing to *about* 22 January, Ashdown to 8 January, Reading to 4 January, Englefield to 31 December, and the coming of the Danes to Reading, the first event recorded in the annal, to 28 December 870.³⁰ Since we are told that 'after Easter' (i. e. the second half of April) King Ethelred died, and that 'about one month afterwards' King Alfred 'fought against the whole host at Wilton', it is apparent that the chronicler regarded the

²⁷ The battle seems to have taken place about May.

²⁸ The other was doubtless the engagement fought at Norden in Friesland late in 884—Mr. Stevenson (*Asser*, 292) places it 'about December'—in which the Danes were defeated by Rimbart, archbishop of Bremen.

²⁹ Ramsay, *Foundations of England*, i. 244. As Mr. Plummer points out (*Life and Times of Alfred*, 92), the date 22 March fits in well with the fact that the battle of Marton is the last event recorded in the Chronicle before Easter.

³⁰ The dates, which are those given by Mr. Plummer (*ibid.* p. 93) and by Miss Lees (*Alfred the Great*, pp. 117-27), must not, of course, be regarded as more than approximately accurate.

whole period from 28 December 870 to the close of May 871 as falling within one annalistic year. In 878 the first event recorded is the move of the Danes to Chippenham 'after twelfth night', i. e. about 7 January. 'At Easter' (23 March) King Alfred builds his fort at Athelney, and 'in the seventh week after Easter' (c. 11 May) he rides out of his encampment to open his campaign for the expulsion of the Danes from Wessex. The battle of Ethandune appears to have been fought in the neighbourhood of 14 May. The siege of Chippenham lasts '14 nights' (c. 14-28 May); the baptism of Guthrum takes place 'three weeks afterwards' (c. 18 June); after which the Danish chief stays 'twelve nights' with the king at Wedmore, thus bringing us approximately to 1 July 878. The dates may be later, they can scarcely be earlier, than those indicated. Here, then, we have conclusive proof that the Old English year did not commence at any period between 1 January and 1 July. The evidence of these two annals, 871 and 878, disposes finally of the conjecture that the chronicler reckoned either by the Pisan or by the Florentine calculus, beginning his year on 25 March.

We are left to choose between a Christmas commencement, which, as we have seen, offers no explanation of the difficulty with regard to the continental entries, and an autumn beginning which would bring them all into agreement. If we examine the annals 866-78 more minutely we shall find that the evidence against the Christmas commencement gathers strength. One annal after another opens with a reference to the annual migration of the Danes to fresh winter-quarters, an event which seems generally to have taken place about November.³¹ In some cases these entries are succeeded by others which clearly relate to what we should regard as an earlier season of the year. Thus in 870 the Danish invasion of East Anglia is placed before the death of Archbishop Ceolnoth, assigned by Stubbs to 4 February 870; whilst in 875 the wintering of the 'host' on the Tyne and its ravages amongst the Piets and the Strathclyde Welsh are made to precede the king's putting to sea with his fleet, which the Chronicle places in 'that summer'. Indeed, it is curious how regularly Alfred's naval cruises, which we should naturally associate with summer weather, are the last occurrences recorded in the annals to which they belong.³² These instances might perhaps, if they stood alone, be accounted for on the supposition that the chronicler made a point of relating the yearly movements of

³¹ This was certainly the case in France (*supra*, nn. 17-21). In England the slight variation of climate may have led the Danes to move somewhat earlier.

³² The annal for 885 is no exception, although the defeat of the English fleet is recorded in the middle of the annal. The succeeding entries relate to continental events, e. g. the death of King Carloman, &c.

the 'host' before recording incidents which he regarded as of secondary interest. But there are other apparent inconsistencies about these annals which cannot be explained away so easily. Thus, in 868, we are told that 'the host fared into Mercia to Nottingham and there took up their winter-quarters'; but the events which followed—the application for aid by King Burhred 'and his witan' to the king of Wessex, the expedition of Ethelred and Alfred with the fyrd to Mercia, the siege of Nottingham, the West Saxon withdrawal, and the subsequent conclusion of peace between the king of Mercia and the Danes—cannot all have taken place in the brief interval between October or November and Christmas. If the West Saxon expedition and the siege of Nottingham are rightly placed in 868 we are almost obliged to conclude that the Old English year began before Christmas, and to throw back the irruption of the Danes into Mercia and their settlement at Nottingham into the autumn of our year 867. Again, under 874 we read that 'the host fared from Lindsey to Repton and there took winter-quarters', presumably not earlier than October; yet before the close of the year, apparently, they had driven King Burhred oversea, 'subdued the whole land', and given the kingdom 'into the keeping of Ceolwulf'. The resistance of King Burhred was doubtless feeble, but it is hard to believe that the collapse of Mercia can have been quite so rapid as it would appear to have been if the chronicler's year began at Christmas. It seems more reasonable to refer the coming of the Danes to Repton to the autumn of 873 and the fall of Mercia to the following year. That this is, indeed, the true solution is rendered morally certain by the fact,³³ that the movement of the Danes to London, recorded by the Chronicle under 872, was made in the autumn of 871. If the move to Repton took place in the autumn of 874, we should have to believe that the chronicler has somehow contrived to omit all record of one of the annual migrations of the 'host' between 871 and 874, which is unlikely.

The objections to the view that the year began at Christmas become still greater when we examine the annal for 870. In that year, we are told, 'the host rode (from York) across Mercia into East Anglia and took up their winter-quarters at Thetford; and that winter King Edmund fought against them and the Danishmen got the victory and slew the king and subdued all the land'. Manuscript E (Peterborough) adds the further detail that 'they destroyed all the monasteries to which they came', including that of Medeshamstead (Peterborough). We have no reason to distrust the very early tradition which assigns the martyrdom

³³ See below, p. 339.

of St. Edmund to 20 November ;³⁴ the date cannot, in any case, be far out, for the Chronicle tells us that the battle took place in the winter. On the other hand, we have seen that the Danes were at Reading and had begun their invasion of Wessex before the close of December 870. Now the chronicler would hardly state that the Danes 'took up winter-quarters at Thetford' if they moved on to the south of England before Christmas ; it is not less improbable that the Danes would make *two* such migrations, one from Northumbria into East Anglia and another from East Anglia into Wessex, in the course of a single winter ;³⁵ and in any case it is impossible that they can have 'subdued all the land' of the East Angles, committed the depredations lamented by the Peterborough chronicler, and ridden across the centre of England from Thetford to Reading all in the five weeks between 20 November and 28 December 870. The narrative of the Chronicle will only regain the credibility to which it is entitled if we assume that the Old English year began at some period in the autumn, put back the coming of the Danes to Thetford and the martyrdom of St. Edmund to November 869,³⁶ and suppose that East Anglia lay at the feet of the marauders throughout the whole of the twelve months between that date and the invasion of Wessex.³⁷

³⁴ The date 20 November is given by Abbo of Fleury (*Passio Sancti Eadmundi*), who wrote little more than a century after Edmund's death (c. 985). It is also the day assigned to St. Edmund in Aelfric's *Lives of the Saints*.

³⁵ The events of the winter of 877-8 when 'the host fared into the land of the Mercians' in the autumn, and afterwards in January 'stole away to Chippenham', furnish no analogy. Æthelwerd tells us, what the Chronicle omits, that the invaders of Mercia had established themselves at Gloucester, i. e. within easy striking distance of Wessex. The distance between Gloucester and Chippenham cannot be compared with that between Thetford and Reading. It is even possible that the move to Gloucester (from Exeter) may have been a deliberate feint, designed to mislead Alfred into disbanding his fyrd on the supposition that the Danes had settled in their winter-quarters and that military operations were over for the season. The complete collapse of Wessex in the early weeks of 878 can only be explained upon the hypothesis that Alfred was taken unawares by the invasion. See Plummer, *Life and Times of Alfred*, p. 59.

³⁶ Florence of Worcester, who records the martyrdom of Edmund under 870, states that it took place 'Indictione ii, duodecimo Cal. Decembris, die Dominico'. Both the Indiction and the day of the week are those of the year 869. Mr. Stevenson called attention to this discrepancy in his edition of Asser, p. 232, but did not appreciate its significance. Again, Abbo of Fleury tells us that the leader of the Danes in this invasion of East Anglia, by whose command Edmund was slain, was the famous Ingvar (or Ivar), progenitor of the long line of Scandinavian kings of York and Dublin in the next century. But the Irish annals show that Ivar cannot have been in East Anglia in November 870, though he may have been in November 869. He passed the winter of 870 in 'Alba', where he besieged and captured the fortress of Dumbarton, afterwards returning to Dublin, apparently direct from Alba, in 871 (*Annals of Ulster*, a. 869, 870 ; these annals being consistently one year behindhand in their chronology throughout the ninth and tenth centuries).

³⁷ We may infer that the chronicler has slightly understated the interval between the coming of the Danes to Reading (c. 28 December, above, p. 334) and the battle of Marton (22 March). The end of December would be very late for the Danes to shift

There are other entries which point towards the same conclusion. The annal for 866 records the first coming of the 'great host', adding that they 'took up their winter-quarters in East Anglia . . . and the East Angles made peace with them'. Then in 867 'the host fared from East Anglia over the mouth of the Humber to York . . . and *late in the year* they [the two kings Osbryht and Ælle] resolved to continue the war against the host; and to that purpose they gathered a large fyrd and sought the host at York . . . and there was an excessive slaughter made and both the kings were slain'.³⁸ If the year began at Christmas it would be natural to assume, from what the Chronicle tells us, that the Danes spent the winter of 866-7 in East Anglia, that they moved on to York in the autumn of 867, and that the battle of York, which was 'late in the year', took place about the middle of December. But the date of the battle can be fixed: Symeon of Durham,³⁹ with northern authority to guide him, tells us that it was fought upon the Friday before Palm Sunday (i. e. 21 March) 867. Now, were it not for the fact that the annals for 871 and 878 decisively disprove this hypothesis, this passage might be regarded as supporting the view that the year began at the Annunciation. On the other hand, it is possible to reconcile the adjective 'late' with the view that the year began in September, for when once the Danes had settled in their winter-quarters they would probably regard the campaigning season as closed until they chose to reopen it. Again, it is clear from the wording of the Chronicle that some considerable interval must have elapsed between the arrival of the Danes at York and the battle which followed. We cannot, then, place the invasion of Northumbria later than January 867; and this, again, cannot be harmonized with the assumption that the Danes spent the winter of 866-7 in East Anglia. The only way of reconciling the annal for 867 with that for 866 is to suppose that the chronicler's year began at some period not later than about September, and that he intended to signify that the great host came to England in the autumn of our year 865, spent the winter of 865-6 in East Anglia, passed on to Northumbria about the autumn of 866, and had settled at York some months prior to the repulse of the English attack on 21 March 867.⁴⁰

their winter-quarters. It is more probable that they moved from East Anglia in November 870, coming to Reading perhaps the same month, or earlier in December.

³⁸ This translation, like others in this paper, is taken from Gomme's *Anglo-Saxon Chronicle* (1909).

³⁹ *Historia Regum*, i. 106. The Danish victory at York is recorded by the *Annals of Ulster*, a. 866 (= 867).

⁴⁰ This conclusion bears out the view expressed above (p. 336) that the first Danish invasion of Mercia took place in the autumn of 867, not that of 868. If 868 were the true date we should have to conclude that the chronicler has omitted to record where the Danes spent the winter of 867-8.

The argument is clinched by the short entries for the years 872 and 879. The annal for 879 relates that 'the host fared to Cirencester from Chippenham and settled there one year'. The same annal records the eclipse of 29 October 878. The move to Cirencester must also be assigned to the autumn of 878, not to that of 879; for it is out of the question to suppose that the host, which had come to Chippenham in January 878, would have spent two successive winters in the same locality, lingering at Chippenham for fifteen months after the conclusion of the treaty of Wedmore, an essential stipulation of which was that they should depart from King Alfred's dominions. This is recognized by Mr. Plummer, who, however, believes that the date 879 is simply a mistake: 'it is this mistake', he says, 'which throws the chronology of the Chronicle a year wrong from this point up to 897 (896).'⁴¹ We have already seen that the dating of the Chronicle for the years 879-87 is less inaccurate than has been supposed; moreover, it appears to have escaped Mr. Plummer's notice that an exact parallel to what has happened in the annal for 879 is to be found in the annal for 872. In that year, we are told, 'the host fared from Reading to London and there took up their winter-quarters, and the Mercians made peace with the host'. Reading had been the head-quarters of the Danes throughout the campaign of January-May 871, and it is incredible that they should have remained there until nearly the close of 872. The move to London must therefore be assigned, as Mr. Plummer himself assigns it, to the autumn of 871.⁴² It is idle to imagine that this is simply another mistake; the analogy with the annal for 879, which likewise records the events of the preceding autumn, is too remarkable to be lightly set aside. These two annals, indeed, are decisive, since they furnish convincing evidence that the author of this section of the Chronicle changed his year-numbers at some season of the year posterior to that which witnessed the close of the campaigns of 871 and 878, yet anterior to the autumn departure of the Danes into other winter-quarters.

Can we determine the precise date at which he changed them? It has been seen that there is not a single entry in the Chronicle between 866 and 887, if we except that of the death of Pope Marinus, which conflicts with Mr. Anscombe's theory that the year had its beginning in September. On the contrary, the annals 871-2 and 878-9, taken in conjunction, make it perfectly plain that the commencement of the year did not fall between 1 January and 1 July, but that it did fall between 1 July and 29 October. It is possible still further to contract this 'neutral zone' between the old year and the new. The annal for 877

⁴¹ *Life and Times of Alfred*, p. 104, n. 3.

⁴² *Ibid.*, p. 99.

concludes with the words 'and afterwards in the autumn the host fared into the land of the Mercians'; the context showing that this must refer to the autumn of 877, not that of 876. The official date of the beginning of the Anglo-Saxon 'haerfest' was 7 August, but it is probable that in common practice it was looked upon as beginning at Lammas (1 August). Hence it follows that the composer of the annal for 877 did not regard the year as closing before 1 August at the earliest. We are left to select some date between 1 August and 29 October; and in the absence of any alternative suggestion which will accord with the evidence we have no choice but to conclude that Mr. Anscombe's supposition is correct, and that, at least throughout the period which is covered by this article, the chronicler dated his years by the indictions, changing their numerals on 24 September.⁴³

How far does our conclusion affect the chronology traditionally associated with the most strenuous phase of Alfred's career? The sacrifice of important dates is less sweeping than might be supposed. The landing of the great host in East Anglia must be put back to the autumn of 865; so, too, apparently, must the death of King Ethelbert, not because the annalist records the accession of Ethelred I before chronicling the arrival of the Danes, but because he assigns to Ethelbert a reign of only five years' duration, although placing his accession in 860 and his death in 866. The first attack upon Northumbria must be relegated to the closing months of 866, the irruption into Mercia to the autumn of 867, and the martyrdom of St. Edmund and the conquest of East Anglia to the winter of 869-70. Similarly, a year should be struck off each of the other dates assigned by the Chronicle to the taking up of winter-quarters by the Danes, whether in England or in France. On the other hand, the dates of Alfred's naval expeditions of 875, 882, and 885 are not affected; neither, happily, are those of his great campaigns of 871 and 878.

A word must be added as to the date of Alfred's recovery of London. The episode is recorded by the Chronicle under 886,

⁴³ There is nothing in the annals 866-87 to show whether 1 or 24 September was the starting-point of the Old English annalistic year. Mr. Anscombe, whilst holding that Bede 'undoubtedly used the Caesarian indiction', assumes that Theodore of Tarsus, archbishop of Canterbury 668-90, used the Greek one, and that in the south of England, in contradistinction to Northumbria, the year began on 1 September. But Mr. Anscombe has, I think, overlooked the circumstance that many of Bede's dates, especially those in which the reckoning from 24 September is most apparent, are derived from a southern source, namely, those Canterbury records which, as he tells us in his preface to the *Ecclesiastical History*, were placed at his disposal by Abbot Albinus. In the absence of any textual evidence that the Constantinopolitan system was ever employed in this country it is safe to conclude that Canterbury chroniclers from the seventh to the tenth century made use of the Caesarian Indiction, beginning their year at the harvest equinox, i. e. 'mid-autumn', just as their successors began it at 'mid-winter'.

side by side with the entry relating to the siege of Paris; but there is nothing in the annal to show whether the event occurred before or after 1 January. Certain conclusions may, however, be drawn from a passage which is to be found in manuscripts B, C, D, E (but not in A), *s. a.* 883, to the effect that 'the same year Sighelm and Aethelstan carried to Rome and also to India . . . the alms which the king had vowed thither when they took up their position against the host at London'. This passage has excited much discussion, partly because of the reference to India, with the significance of which we are not concerned, and partly because of the difficulty of identifying the occasion on which Alfred's vow is said to have been made. The latter has been assumed to refer either to the events of '872' (871) when 'the host fared from Reading to London',⁴⁴ or to those of '879' (878) when we are told that 'a band of vikings assembled together and took up a position at Fulham on the Thames'. But on neither of these occasions are we offered the slightest hint that the movements of the Danes were in any way obstructed by the English. In 871, moreover, the fate of London would be a Mercian, not a West Saxon concern; whilst in 878 Wessex must have been too much exhausted by three years of hard fighting for Alfred to be in any position to pursue the war beyond the boundaries of his own dominions. Again, if the vow was made upon either of the occasions suggested, it is difficult to believe that so pious a king as Alfred would have postponed its fulfilment till 883, especially since the years 878-83 were years of peace. On the other hand, we learn from Asser, who may well have been present, that the recovery of London in '886' was a considerable military operation involving much slaughter and destruction of property;⁴⁵ in other words, that it was a crisis of sufficient magnitude to justify the Chronicle's statement that 'they (i. e. King Alfred and the fyrd) took up their position against the host at London'.⁴⁶ If we might assume that the passage in the annal for 883 has become misplaced and that its true date should be 886—an assumption which it is less than usually hazardous to make, since no mistake was more common amongst tenth-century

⁴⁴ This is the view of Mr. Plummer, *Life and Times of Alfred*, p. 99.

⁴⁵ 'Post incendia urbium stragesque populorum': Asser, p. 69. Asser appears, from his own narrative, to have come to court about April 885, but the chronological indications which he supplies are too indefinite to allow us to fix the date with certainty.

⁴⁶ According to Æthelwerd the occupation of London was preceded by a regular siege ('interea obsidetur a rege Aelfredo urbs Lundonia'); this, however, may be simply Æthelwerd's interpretation of the 'gesette Aelfred cyning Lundenburg' of the Chronicle. The ambiguity of the phrase 'gesette' has led some to suppose that Alfred merely restored and garrisoned a town which was already in his possession; but the testimony of Asser, writing within a few years of the event, seems decisive against this view.

scribes than the confusion of the figures *iii* and *ui*, and since the absence of the passage from the Parker manuscript, from Asser, and from Æthelwerd proves it to be an interpolation inserted, probably by the author of the annals 888-91, at some period later than the transcription of manuscript A—it would then be possible to connect this journey to Rome, the first of which we are cognizant, with the subsequent missions of a similar nature recorded in the annals for 887, 888, and 890. The whole story would thus gain in credibility. In that case we should have to assign the occupation of London to the autumn of 885, so as to allow time for the mission to Rome, which would naturally start in the spring or early summer, to be included in the same annalistic year 886. This interpretation, again, would lend point to the final entry in the long annal for 885, that 'in the same year the host in East Anglia broke peace with King Alfred'. It seems probable, therefore, that the spectacle of the siege of Rochester in the spring of 885 and of the defeat of the English fleet at the mouth of the Stour the same summer encouraged the East Anglian Danes to 'break the peace' about August or September, and that the capture of London in the closing months of 885 represents Alfred's effective reply to an unprovoked aggression. The treaty known as 'Alfred and Guthrum's frith' and the handing over of London 'to the keeping of Aethelred ealdorman' may, with the mission to Rome, be assigned to some period in 886.

MURRAY L. R. BEAVEN.

A Charter of Canute for Fécamp

THE English possessions of religious houses abroad form a significant phase of the relations between England and the Continent before the Conquest, and the charters relating thereto still offer problems for the student of diplomatic and of local history.¹ Not the least important of these houses was the Norman abbey of Fécamp, a favoured foundation of the Norman dukes which early enjoyed the liberality of English kings. In Domesday² Fécamp holds of the king three manors, 'Rameslie', Steyning, and Bury, all in Sussex. Of these, Steyning had been granted by

¹ The list of these houses in Ellis, *Introduction to Domesday*, i. 324-6, is by no means complete. See particularly W. H. Stevenson's discussion of the forged Old English charters for Saint-Denis, *ante*, vi. 736-42; and Miss Helen Cam's note on Saint-Riquier, *ante*, xxxi. 443-7. On the supposed grant of the Confessor to Mont-Saint-Michel, see *ante*, xxxi. 265, 267. A study of the early charters for St. Peter's, Ghent, undertaken as part of a history of the early relations between England and Flanders by one of my students, Captain R. H. George, remains for the present in manuscript in the library of Harvard University.

² fo. 17 b.

the Confessor in a charter of which the text is preserved ;³ taken away by Harold, it was restored by the Conqueror, less certain tenements in Hastings in exchange for which he gave the monks Bury.⁴ The extensive holding of 'Rameslie', 'including Rye, Winchelsea, and at least part of Hastings', with five churches and a hundred salt-pans, is generally supposed to have been likewise a gift of the Confessor.⁵ It appears, however, from the documents published below, that the grant goes back a generation earlier, having been planned by Ethelred II⁶ and actually made by Canute. This is not surprising when we remember that their queen, Ælfgifu-Emma, witness to all three of the transactions here recorded, was a daughter of Richard I, the restorer of the monastery, and a sister of Canute's contemporary Richard II, to whom it owed its principal charters of endowment.

Among the careful copies from the abbey's archives made before the Revolution by Dom Jacques Lenoir and now preserved in the Collection Moreau of the Bibliothèque Nationale, we find (xxi. 18) the following extract from a cartulary of the twelfth century now lost :

(a) Ego Chanut Dei gratia Anglorum rex, non immemor humanę fragilitatis inmo vero accensus et compunctus desiderio sempiternę felicitatis, ad contegendam animę meę nuditatem elegi mihi aliquo modo promereri sanctam et individuum Trinitatem. Quare unam terram quę Bretta⁷ vocatur, alia vero quę Rammesleah dicitur cum portu suo omnibusque rebus ad se pertinentibus, eiusdem Sancte Trinitatis monachis in cęnobio Fiscannensi sacrosancto⁸ nomini regulariter mancipatis perpetualiter obtinendam contradidi et ut nostrum beneficium inviolabile permaneret regali gravitate roboravi, quatinus ipsi me suis meritis ad cęlestia indesinenter studeant elevare quos ego in terrenę necessitatis onere aliquo modo studeo relevare. Sicut ergo rex Aethelredus prædictam terram eisdem Dei servis se daturum promisit sed morte præventus minus hoc adimplevit, ita ego eis iure perpetuo eam subicio et sine ulla contradictione in posterum possidendam regali auctoritate decerno. Insuper ego predictus rex Chanut dono tribuo et concedo duas partes telonei in portu qui dicitur Wincenesel prædicto monasterio Fiscannensi in manu domni abbatis Iohannis. Ego Aelveva regina huic dono consensi. Ego Aeffie episcopus subscripsi. Ego Leoffie episcopus signavi. Gaudium, pax, et karitas huic libertati consentientibus amen. Ego quoque Hartcanut filius præscripti Chanut regis Danorum et Anglorum huic patris mei donationi

³ Kemble, *Codex Diplomaticus*, iv. 229, no. 890 ; cf. Du Monstier, *Neustria Pia*, p. 223 ; Freeman, *Norman Conquest*, ii. 545 (1877).

⁴ Chevreux and Vernier, *Les Archives de Normandie et de la Seine-Inférieure*, plate 8 ; Round, *Calendar of Documents preserved in France*, no. 115 ; Davis, *Regesta Regum Anglo-Normannorum*, no. 206 ; *Victoria History of Sussex*, i. 375 f.

⁵ *Victoria History of Sussex*, i. 375.

⁶ Compare in *Neustria Pia*, p. 213, the story of his visit to Fécamp at the time of his exile in Normandy.

⁷ The fourth letter of this word is doubtful.

⁸ MS. *sacrosancti*.

subscribere iussi et manu propria firmavi firmandamque fidelibus meis mandavi, quorum nomina asscribere rogavi. + Ego Aeleva regis mater hanc donationem firmavi. Ego Goduinus comes huic donationi libentissime consensi. + Signum Sewardi comitis, Ansoth, Clapp, Stigan capellanus, Etwolth, Herman, Alwinesmelt, Spiritus, Osbert, Acchiersum, Bricsh, Geron, Aizor, Turchil, Swen, Theustul, Eusten, Tovi, Turgil.

(b) Ego Chânut Dei gratia rex Anglorum pro emolumento in celestibus nanciscendo terram quę Rammesleah dicitur cum portu suo omnibusque rebus ad se pertinentibus Sanctę Trinitatis monasterii monachis sicut rex Æthelredus se daturum promisit sed morte preventus minus hoc adimplevit perpetualiter subicio, ut interventores habeam quos huiusmodi relevo solatio. Ego Aelfgivu regina huic dono consensi. Ego Aelfie episcopus subscripsi. Ego Leofsie episcopus signavi. Gaudium, pax, et karitas huic libertati consentientibus amen.

Although all this appears as a single charter in the copy, it is clear that we have two distinct documents recording three different transactions. The last paragraph (b) evidently belongs first in order of time; the bishops' signatures do not aid in fixing the date, which was probably soon after Canute's marriage to Emma in July 1017. Then comes the amplification (a), repeating the same witnesses and phrases but adding the preamble and the important further grant of two-thirds of the toll of Winchelsea; the name of Brede, the manor to which 'Rameslie' seems later to have corresponded,⁹ also makes its appearance. The expanded donation is then presented to Harthacanute for his confirmation and signature. There seems no occasion for questioning the original grant of Canute or the confirmation by his son, but we may well doubt whether the expanded charter as brought to Harthacanute is really authentic. It must have been subsequent to the accession of Abbot John in 1028,¹⁰ yet the witnesses are exactly the same as in the earlier charter. The record of the monks of Fécamp is not free from forgeries,¹¹ and the toll of Winchelsea furnished a sufficient motive.

CHARLES H. HASKINS.

Sokemen and the Village Waste

THE establishment in the north and east of England of the new monasteries which distinguished that region in the twelfth century must often have given urgency to a question which no one in earlier times had normally been concerned to raise. Under what

⁹ *Victoria History of Sussex*, i. 391.

¹⁰ On the abbot's visit to England in 1054, see *Neustria Pia*, p. 223.

¹¹ See the study of the early ducal charters, with facsimiles, in my *Norman Institutions* (1918), appendix B; and for the charters of the Conqueror, Davis, *Regesta*, nos. 112, 253; Round, *ante*, xxix. 348.

conditions could a man of rank, the lord, for example, of one of the small manors characteristic of the Danelaw, make grants from the common waste of a village in which he had an interest? In a great part of this region, in Lincolnshire and Nottinghamshire, to say nothing of East Anglia, the villages subject to a single lordship in the twelfth century were exceptional. In most villages, when a lord had obtained the consent of his own tenants to such a grant he had still to reckon with the possible resistance of the men of other lords. The position was complicated by the personal freedom enjoyed by a powerful element among the Danelaw peasantry: the sokeman's right to turn his beasts on to the village waste was certainly not derived from any seignorial grant. The bestowal of a parcel of waste upon a religious house meant the restriction of the area within which the sokeman's beasts might common, and his consent was essential to the peaceable enjoyment of the gift. We should expect that clerks would now and then find a place for an assertion of this consent somewhere in the unstereotyped formulas of a twelfth-century deed of gift. Nevertheless such assertions are rare; the consent of the freeholders of a village to alienations from its waste was apparently taken for granted by draughtsmen. But there has been preserved in a seventeenth-century transcript a set of three charters in which the assertion is made with singular precision. Among his collections relating to the history of Lincolnshire Gervase Holles of Grimsby copied in 1639, unfortunately with some abbreviation, a cartulary, no longer extant, of the Gilbertine priory of Haverholme.¹ In this cartulary there were entered the charters by which Ralf de Aincurt granted, and Walter his son and John his grandson successively confirmed to that house, 265 acres of the waste of Kirkby Green and Scopwick and common pasture in the fields and wastes of Kirkby Green, Scopwick, and Blankney. The text of these charters may be given at length:

(1) Radulfus de Eincurt omnibus Christifidelibus salutem. Sciatis me prece et petitione . . . Alexandri Lincolniensis episcopi et concessione Walteri filii mei et heredis et de sokemans² de Kirkebi et de Scapewic et de Blankeneie dedisse etc. deo et sanctimonialibus de Haverholm quas ibi congregavit magister Gilebertus de Sempringham sub protectione predicti Alexandri episcopi ducentas acras et sexaginta quinque in brueria de

¹ Lansdowne MS. 207A. The cartulary was then in the possession of Edmund Lynold, rector of Healing, Lincolnshire. It may still reappear, as a considerable portion of the *Liber Niger* of Newhouse Abbey has recently reappeared at Brocklesby. But from the gaps in Holles's transcript it is evident that the Haverholme cartulary was in a bad state in 1639, and would be hardly likely to add to the information which he has preserved. The King's Remembrancer's Memoranda Rolls of the last years of Henry IV's reign contain exemplifications of many charters of Gilbertine houses, but those relating to Haverholme are represented by little beyond a detailed continuation issued by Edward I.

² The form *sochemans* is used for the more usual *sochemanni* in Domesday Book, i. 299.

Kirkebi et de Scapwic ad nutriendum sibi oves unde possint vestiri per annum et communem pasturam ovibus suis per totos campos et per totam brueriam de Kirkebi et de Scapwic et de Wlangheneia (*sic*) etc. Hanc predictam brueriam et pasturam dedi eis et feci Walterum filium meum dare eis in puram et perpetuam elemosinam etc. anno incarnationis domini M^o C^o trigesimo nono etc. Testes Robertus de Cauz. Radulfus Hanselin. [1139.] (Lansd. 207A, fo. 115 b.)

(2) Walterus Deincurt omnibus fidelibus Christi Francis et Anglis salutem. Notum sit vobis me dedisse sanctimonialibus et fratribus de Haverholm ducentas acras et sexaginta quinque in brueria de Kirkeby et de Scapewic et communem pasturam de Scapewic et de Kirkebi et de Wlangkeneie (*sic*) in longum et in latum usque ad Felebrige tam in brueriis quam in campis in perpetuam elemosinam etc. Hanc donacionem dedi concessione Oliveri filii mei et concessione sochamans predictarum villarum quorum predicta terra fuit Testes Ricardus presbiter de Scapewic. Rogerus villanus. [1139-41.] (Lansd. 207A, fo. 114 b.)

(3) Cunctis etc. Iohannes Deincurt salutem. Notum sit vobis quod concessi etc. sanctimonialibus et fratribus de Haverholm terram quam pater meus Walterus de Eincurt eis dedit et confirmavit carta sua concessione Oliveri fratris mei et des sochemans de Kirkebi et de Scapwic scilicet ducentas acras terre et sexaginta quinque in brueria harum villarum de Kirkebi et de Scapwic et volo ut integre et plenarie hanc terram habeant libere et quiete teneant et possideant in perpetuam elemosinam etc. Concessi et ego Iohannes predictis sanctimonialibus et fratribus communem pasturam predictarum villarum et de Blancheneie etc. Testibus Alexandro Malebuse. Radulfo de Eincurt. [*temp.* Hen. II.]³ (Lansd. 207A, fo. 115.)

The second of these charters must have been written within two years of the first; perhaps it is strictly contemporary.⁴ Its wording is remarkable, for it asserts with as much emphasis as was possible to a twelfth-century clerk that the actual soil of the waste in question belonged to the sokemen whose consent was obtained. No phrase at the disposal of a draftsman of this age could well be stronger than the *quorum predicta terra fuit* which concludes the second charter. Speculation as to the exact force which attached to these words in the mind of the man who wrote them would be fruitless: they stand for a quality of possession no less and no more than that denoted by phrases like *terra que fuit Iohannis filii Wulmari*, which were already commonplace at this date. But this uncertainty does not affect the fact that to the writer of this charter the wastes in question belonged not to the lord in whose name the charter was issued but to the sokemen of the villages of whose territory the waste formed part.

The adjacent villages of Kirkby Green and Scopwick lie rather more than ten miles south-east of Lincoln, between the fens which

³ Walter de Aincurt, John's father, died in 1168, but the present charter may have been granted before that event.

⁴ Oliver de Aincurt, Walter's son, whose consent is recorded, was killed at the battle of Lincoln.

border the Witham and the belt of rising ground, barren until the eighteenth century, which culminates in the Lincoln Edge. Blankney is the neighbouring village immediately to the north. The name of the modern parish of Temple Bruer preserves a memory of the *brueria*⁵ of these charters. In each village the sokemen of 1139 represent predecessors who were registered under that name in 1086. The whole village of Blankney formed part of the fief of Walter de Aincurt; its population comprised 22 sokemen, 10 villeins, and 6 bordars. The tenurial condition of Kirkby Green and Scopwick, which were surveyed together in Domesday, was more interesting. It may be set out in a table:⁶

| | |
|--------------------------|--|
| Sokeland of Branston, | 7 Car. 4 Bov, 14 sokemen, 0 villeins, 2 bordars |
| Walter de Aincurt | |
| Manor, Walter de Aincurt | 10 Car. 0 Bov, 32 sokemen, 7 villeins, 2 bordars |
| Manor, Norman de Arci | 6 Bov, 1 sokeman, 0 villeins, 2 bordars |
| Manor, Heppo Balistarius | 5 Car. 6 Bov, 13 sokemen, 3 villeins, 2 bordars |

It would seem, therefore, that these two villages were rated together at the round sum of 24 carucates, and contained a population of no less than 60 sokemen, 10 villeins, and 8 bordars, the men of three different tenants in chief and annexed to four separate estates. In general in this region the peasant classes whose unfreedom is usually assumed, the villeins and bordars, are numerically insignificant in comparison with the sokemen. At Rowston, immediately to the south of Kirkby Green and Scopwick, there were 32 sokemen, no villeins, and 2 bordars; Digby, the next village southwards, was inhabited by 35 sokemen only; the recorded population of Bloxholme and Dorrington, the villages bordering Digby on the south, consisted of 20 sokemen, 2 villeins, and no bordars, and 28 sokemen, no villeins, and 8 bordars, respectively. The preponderance of sokemen is maintained in the villages to the north of Blankney. Metherringham, the next village, it is true, contained only 12 sokemen to 28 villeins and 26 bordars; but at Dunston, the next village, there were 31 sokemen to 3 villeins and 13 bordars, and at Nocton, northwards again, there were 26 sokemen to 10 villeins and 3 bordars. It is a fortunate chance which has preserved in the charters that have been printed here evidence adequate to prove the survival of the free peasantry of this region in their independence through the dark half-century that follows Domesday.

F. M. STENTON.

⁵ The word *brueria*, representing the Old French *bruere*, is frequently used in the twelfth century to denote heath or untilled rough land in general. Cf. Godefroi, *Complément*, i. 388.

⁶ Domesday Book, i. 361, 361, 361 b, 369. The last folio contains an entry of 1½ geldable carucates in Scopwick occupied by one sokeman and belonging to the fief of Heppo Balistarius. Probably, this holding is included in the fourth entry summarized in the table.

Some Castle Officers in the Twelfth Century

THE military institutions of England in the twelfth century rested upon a double foundation, namely feudal tenure and money payment, and this is to be attributed to the economic conditions then prevailing.¹ The tendency of course was to consolidate the two and place the whole military system upon a financial basis. The duality of the existing system comes out very clearly in the measures taken for garrisoning and maintaining the royal castles. It is probable that the same arrangements were made in connexion with the baronial castles, and this is distinctly suggested by what is known of these castles when they came temporarily into the king's hands.

The *personnel* of a royal castle fell into two groups, the first chiefly military, the second chiefly ministerial in character. The first group consisted of a certain number of fully armed knights and a certain number of serjeants, men-at-arms less expensively or elaborately equipped. All these troops were either supplied for the king's use as a result of feudal obligation, or else were hired at a fixed rate *per diem* and placed in the castle during the king's pleasure. The duty of ward at a given castle was imposed upon one or more of the surrounding baronies, but that only meant that the *caput* of the barony adjoined the castle, its members might be scattered over many counties, and its tenants might have to make long journeys in the discharge of their duty. The tenure was either by knight-service or serjeanty, and it was beginning to be compounded for money payments in the early years of Henry II, but it will be remembered that in the Great Charter the barons stipulated that those who preferred to discharge their duty in person might be allowed to do so.² The parallel system of hiring knights and serjeants to supply or supplement the garrison is attested by the evidence of the pipe rolls. Three or four entries arranged chronologically will suffice to illustrate the point. It would be easy to multiply them, but that is not worth while in the case of well-indexed and readily accessible documents.

In liberatione militis et seruientium . . . castelli de sancto Briauel xiiii l. v s. et vii d. ob.³

In liberatione militum et seruientium de Doura lxxv l. xxii d.⁴

Et xx militibus et ii seruientibus equitibus et xx seruientibus peditibus . . . residentibus in castello de Waletona.⁵

¹ Cf. Delbrück, *Kriegskunst*, iii, 166 ff.

² See Round, *Commune of London*, pp. 278 ff.; *Archaeological Journal*, lix, 144 ff.; *The Ancestor*, vol. vi, pp. 72 ff.

³ Pipe Roll (hereafter cited as P. R.), 31 Hen. I (Record Commission), p. 76.

⁴ P. R., 7 Hen. II, p. 61.

⁵ P. R., 20 Hen. II, p. 37. See a similar entry in regard to Porchester, in the same

The second group of the castle staff comprised clerks of the works, porters, watchmen, and the artisans, smiths, masons, carpenters, and such-like as were required to keep the fabric in repair. Both groups are brought together in a charter which I proceed to quote, premising that although it is of much later date, its substantial provisions may be attested from twelfth-century evidence. This document comes from the twelfth year of Edward I, and records the king's grant of the guardianship of Harlech Castle to Hugh de Longslow, to be held during pleasure. Hugh is to have annually £100 at the exchequer of Carnarvon, and the conditions of his tenure are as follows :

Ita tamen quod continue habeat in munitione castri illius ad custum suum triginta homines defensabiles, de quibus sint decem balistarii, unus capellanus, unus atilliator, unus faber, unus carpentarius, et unus cementarius, et de aliis residuis fiant ianitores, vigiles, et alii ministri qui necessarii sunt in castro.⁶

The maintenance in the twelfth-century castles of the artisans mentioned in this text (with the exception of the arrow-maker) may be easily attested from the pipe rolls.⁷ But the functionaries to whom I would call particular attention are the clerk, janitor, and watchmen. These seem to have been an indispensable part of the castle staff, often there were several of each. The names appear to have been pretty loosely used, and it will clear the field to examine some of the senses that were attributed to them.

As for the *capellanus*, every castle seems to have contained a chapel and chaplain, and often indeed these were established on a liberal scale, as at Richmond, where there was a sort of college of six chaplains provided under the terms of a special agreement (1275) by the abbot and convent of Eggleston.⁸ It is not with these, however, that we are concerned. The *capellanus* of our text was a clerk of the works, as may be shown from his functions, and in some later documents he is described as such. A *capellanus* was kept in the honour of Eye, where he

year, p. 125. These both refer to advances of the wages of the troops: cf. Dawson, *Hastings Castle*, i, pp. 86, 91.

⁶ Printed from Rotulus Walliae, 12 Edw. I, in *Archaeologia Cambrensis*, 1st series, i, p. 246; on the name of the keeper, see p. 263. Compare the grant of Beaumaris in 5 Ric. II, *ibid.*, 4th series, ii, p. x.

⁷ P. R., 11 Hen. II, p. 5; ann. 13, p. 35, ann. 6, pp. 25-6, ann. 27, p. 135, ann. 28, p. 150, ann. 25, p. 109, ann. 16, p. 134. Some of the later Castle account rolls are instructive in this connexion: see *Essex Arch. Soc. Trans.*, new series, i, 101 ff., 187 (Hadleigh, 38, 45 Edw. III); *Arch. Camb.*, 4th series, ii, pp. xix ff. (Beaumaris, 9-10 Edw. III).

⁸ Gale, *Registrum Honoris de Richmond*, pp. 95-7. Richard II's grant of Beaumaris cited above provides that the beneficiary *inueniat ad custos suos proprios unum capellanum diuina in capella nostra infra castrum nostrum predictum celebraturum*.

was paid one mark a year.⁹ The presence of such an officer is also attested at Southampton, Worcester, Banbury, Trentham, Shoreham, Hertford, and Walton.¹⁰ Their fee seems to have varied: at Eye, as we have seen, it was 13s. 4d.; at Banbury it was 20s., and the same at Trentham; at Hertford and Walton it cannot be determined, as only the lump sum of a number of payments is given; at Worcester it was 30s. 5d., and this seems to have been the normal rate for officers of the sort in a royal castle. The proper function of the *capellanus* would seem to have been the supervision of the work done on the fabric of the castle. When in the thirteenth year of Henry II considerable repairs were undertaken on the castles of Eye and Orford, they were carried on under the supervision of three persons, one of whom was Wimarus *capellanus*.¹¹ And in the seventeenth year work carried on in the castle of Hertford and the king's houses in the castle was under the superintendence of Henry *capellanus*.¹² The custody of the castle of Eye was several times committed to Wimar.¹³

Now all these functions are discharged in other cases by officers described as *clerici*, and there would seem therefore to be good reason for supposing that the clerk of the works might be either a *capellanus* or a *clericus*. This distinction would be an ecclesiastical one; the *capellanus* would have definite duties in the chapel, and the *clericus* would be a clerk of any sort without such duties. But the administrative work in connexion with the fabric of the castle would be the same.¹⁴ At Bridgenorth we find the 'works' accounted for carried on under the supervision of three persons, one of whom is described as Hulgur *clericus*.¹⁵ Stone and lime were brought to Hastings for building purposes under the direction of Peter *clericus* and two others, and the works on the castle of Chilham were supervised by Walter *clericus*, and of Hereford by Nicholas *clericus*.¹⁶ In later documents this official describes himself as *clericus operum*.¹⁷ We may fairly assume then that a clerk of the works, whether

⁹ P. R., 10 Hen. II, p. 35, and thereafter regularly. In P. R., 31 Hen. I, there is the record of a payment to a *capellanus* and two *clerici*, thus distinguishing the two terms, p. 23.

¹⁰ P. R., 2 Hen. II, p. 53; ann. 9, p. 4; ann. 13, p. 58; ann. 14, pp. 59, 77; ann. 15, pp. 68, 69; ann. 17, pp. 118-19, 129; ann. 20, p. 37.

¹¹ P. R., 13 Hen. II, pp. 18, 33-5.

¹² P. R., 17 Hen. II, pp. 118-19.

¹³ P. R., 15 Hen. II, p. 95; ann. 16, p. 3.

¹⁴ No doubt there was a difference in dignity; we hear of a chaplain and his clerk at Chepstow, P. R., 31 Hen. II, p. 10.

¹⁵ P. R., 15 Hen. II, pp. 107-8; cf. *ibid.*, p. 137.

¹⁶ P. R., 18 Hen. II, pp. 130, 135; ann. 20, p. 121.

¹⁷ Hadleigh Account Roll, 38-9 Edw. III; in *Essex Arch. Soc. Trans.*, new series, i, p. 101; C. W. Martin, *Leeds Castle*, app. no. xviii (Account Roll, 16 Hen. VI).

described as *clericus* or *capellanus*, was to be found in the twelfth-century castle, and that it was his business to supervise the fabric, and probably to keep account of all expenditures in connexion with it. As far as I am aware, this office was never feudalized in the sense that it was never held as a serjeanty or rewarded with a grant of land.

We find *capellani* or clerks accounting at the exchequer for the issues of a castle or an honour. Thus Wimar *capellanus* occasionally had charge of the castle of Eye, and accounted for the honour.¹⁸ In the sixteenth year William *clericus* accounts for the issues and debts of the honour of the constable.¹⁹ Two years later Robert *clericus* accounts for the abbey of Thorney.²⁰ Then in the London account in the twenty-first year there is a payment to a group of clerks who are described as *custodes civitatis et comitatus*.²¹ *Capellani* appear to have been used for administrative purposes of this sort at least in the great ecclesiastical baronies, and we hear of them at Hereford²² and Lincoln, where they form part of a list of *ministri episcopatus*, and are described as *constituti per maneria*.²³ Then we find a *capellanus*, whom we have already met with as a clerk of the works of the castle of Eye, one of those who accounted at the exchequer for the counties of Norfolk and Suffolk.²⁴ Then in the eighteenth year Robert *capellanus* is one of those who account for the scutage of the knights of the Earl of Leicester.²⁵

It is to be supposed that one or more porters were kept in every castle in England, but as many of them were not in the king's hand the point cannot be fully illustrated from the pipe rolls. What they do show is the payment of porters' wages annually at a certain number of castles, increasing slightly during the reign, and similar payment in the case of castles temporarily in the king's possession.²⁶ There are some puzzling exceptions. There are no payments to porters either at the Tower or at Windsor, although a porter appears at the Tower in Henry I's pipe roll,²⁷

¹⁸ P. R., 12 Hen. II, p. 35; ann. 16, p. 3; at other times the work was done by Oger *dapifer*, see ann. 10, p. 35; ann. 15, p. 95.

¹⁹ P. R., 16 Hen. II, pp. 154-5; cf. ann. 31, p. 27, two persons are accounting for the honour, and there is an entry, *in victu et mercede clericorum et seruientum suorum qui custodierunt predictum honorem*.

²⁰ P. R., 18 Hen. II, p. 115.

²¹ P. R., 21 Hen. II, p. 16.

²² P. R., 16 Hen. II, p. 59.

²³ P. R., 15 Hen. II, p. 45.

²⁴ P. R., 16 Hen. II, p. 3; ann. 17, p. 1.

²⁵ P. R., 18 Hen. II, p. 109.

²⁶ In the subjoined list I note simply the first year in which the porters' wages are entered; they appear regularly after that, and can easily be referred to by means of the indexes: Southampton, ann. 2, p. 53; Hereford, p. 51; Canterbury, p. 65; Rockingham, p. 40; Shrewsbury, p. 43; Bridgenorth, p. 43; Worcester, ann. 9, p. 4; Dover, ann. 11, p. 102; Honour of Peverell, ann. 5, p. 52; Honour of Eye, ann. 22, p. 76; Honour of Lancaster, ann. 22, p. 89.

²⁷ P. R., 31 Hen. I, p. 143.

and in the castle of Eye (the *caput* of the honour of that name), which was in the king's hand from the tenth year onward, payments are made to a *capellanus* only.²⁸ It is quite possible that in the case of these castles and others which were in the king's hand, although there is no record of porters there, these officers were supplied and paid in virtue of some special arrangement with the keeper of the castle; as in the later case of Harlech dealt with above. In Henry II's time the porters of royal castles received an annual fee which represented a wage of a penny a day. Thus at Hereford in the second year, and regularly thereafter, we have the entry:

In liberatione portarii castelli . . . xxx s. et v d.²⁹

As a rule, however, the payments of several people are accounted for together, so that the rate would be hard to discover without some clue. Take the case of the castle of Oswestry, which formed part of the honour of William FitzAlan. In the thirteenth year £36 10s. was paid in respect to the wages of one knight, two porters, and two watchmen for two years.³⁰ If we assume the porter's fee to have been £1 10s. 5d. (as at Hereford), and the watchman's the same, we obtain a total of £6 1s. 8d. for the four men; deducting this from £18 5s., the aggregate for one year, we have left £12 3s. 4d. This sum is exactly the pay of one knight at 8d. a day for three hundred and sixty-five days.³¹ Like results may be obtained at Dover, where after the tenth year £6 1s. 8d. was paid to the porter and watchmen of the castle, and the same fee seems to have been allowed even when several people discharged the duty of each office.³² But turning to the castle of Rockingham we get again the rate of a penny a day; year after year we find the entry:

In liberatione constituto portario . . . et ii vigilibus 4l. 11s. 3d.³³

It may be assumed that this was the established rate, but there are a number of exceptions which ought to be mentioned, though it is not easy to account for them. Thus at

²⁸ P. R., 10 Hen. II, p. 35. From the 22nd year onward the sum of £10 6s. 8d., charged on 'Secchebroc', is paid to Engelram Janitor and Roger de Sancto Albino. The same pair were receiving £40 a year from the honour of Lancaster, beginning in the same year and charged on 'Crokeston'. These sums are greatly in excess of the porters' rate of wages, and this and the manner in which they are charged suggest that they constitute a pension. There is nothing to show that Engelram was doing the ordinary work of a porter or janitor, though it is possible that they were helping in the administration of the honour. See P. R., 22 Hen. II, pp. 76, 89; thereafter the entries recur regularly.

²⁹ P. R., 2 Hen. II, p. 51.

³⁰ P. R., 13 Hen. II, p. 72.

³¹ See Round, in *Archaeological Journal*, lix, pp. 144 ff.

³² P. R., 10 Hen. II, p. 39; ann. 22, p. 205; ann. 31, p. 223. The number of *vigiles* is not stated, but at 1d. a day it works out at three.

³³ P. R., 2 Hen. II, p. 40.

Worcester no porters' fees are entered until the ninth year, but after that the payment appears regularly as 45s. 7d.³⁴ This sum is just half as much again as the regular fee bating the halfpenny, and seems to be reckoned therefore in terms of the established rate. Several other cases are more difficult to understand. At Carisbrooke the porter seems to have been paid at the rate of 20s. a year.³⁵ When in the thirty-first year the castle of Chepstow was in the king's hand, 17s. were paid to three watchmen and a porter, which works out to 4s. 3d. apiece.³⁶ It is just possible that in both these cases the officers in question were holding lands in return for their services; for this, as we shall see, was not uncommon. Alternatively it may be suggested that the rate established by the king did not extend to the baronial castles, but this seems less probable. Again, in the fourteenth year at Banbury the porter was paid 17s. 8d.;³⁷ this is little over one-half the regular rate, and may perhaps have been reckoned in the same terms—possibly for a period of service less than a year.³⁸ Whatever may have been the case in the baronial castles, it seems clear enough that the king paid his porters at the rate of 1d. a day.

It has been said that the porters' services were rewarded in land as well as money, and the point may now be illustrated. Entries in the pipe roll of Henry I account for the ferm of the lands of the porter and watchmen, but we gather no further details from this record.³⁹ Still the fact that we find sums of money paid for the office, and in one case by a man whose father had held it before him, would suggest that feudal land was annexed to it.⁴⁰ In the reign of Henry II we find the lands of Richard *portarius* in Sussex appearing frequently in the pipe rolls. The sheriff accounts for the ferm, which varied with a tendency to increase.⁴¹ As the land paid one mark towards the aid *pur fille marier* in the fourteenth year, the tenure must have been military.⁴² It is not always possible to be sure that in these cases we have to do with the ordinary porter or janitor of a castle,

³⁴ P. R., 9 Hen. II, p. 4.

³⁵ P. R., 25 Hen. II, p. 109.

³⁶ P. R., 31 Hen. II, p. 8.

³⁷ P. R., 14 Hen. II, p. 77.

³⁸ It is tempting to suppose this, particularly as the payments work out so neatly—Chepstow at 51 days and Banbury at 212. Unluckily the Chepstow entry seems to make this impossible. The account of the honour is rendered 'de anno integro'. The ferm is stated at £20; when it figures the next year it is described as the old ferm, and stated at £22 2s. 1½d.: P. R. 32 Hen. II, p. 203. On the other hand, the see of Lincoln fell vacant on 26 January in the fourteenth year, and if the payment were made up to some period shortly before the Michaelmas account the rate would be normal. The account is rendered 'de anno preterito', which need not necessarily imply the full year.

³⁹ P. R., 31 Hen. I, pp. 133, 142.

⁴⁰ P. R., 31 Hen. I, pp. 45, 143, 156.

⁴¹ P. R., 11 Hen. II, p. 93; ann. 13, p. 37; ann. 14, p. 192.

⁴² P. R., 14 Hen. II, p. 195.

and not the *ostiarius* or usher whose serjeanty was a well-known form of tenure.⁴³ Still in the case of Bamborough the service at least is quite clear: there Robert *portarius* held half a carucate of land *per serianteriam custodiendi ianuam castri*.⁴⁴ The case of Osbert janitor and his wife is less precise. In the thirteenth year the king had granted them ten librates of land *pro seruitio suo*. This was made up of various parcels of land and certain payments chargeable on a mill near Oxford. The land passed to their son, and seems to have been held feudally.⁴⁵ The connexion between the actual service and the fief is illustrated at Hereford. From the first to the fifth year inclusive payments at the rate of a penny a day are recorded to Caperun, porter of the castle. Then in the *Red Book* we read Agnes Caperun *tenet per serianteriam custodiendi portam castri, et habebit singulis diebus i denarium*.⁴⁶ It would seem that in these cases the first holder of the land had been an ordinary porter whose services were rewarded in this way, and as the land descended the service might become formal, the actual work being done by deputy.

Beyond the obvious duty of keeping the gate, the ordinary functions of a castle porter do not appear to be specified. We have some indications, however, that porters were sometimes employed in business which it is very hard to connect in any way with the gate. Thus Faringdon, in Berkshire, was in the king's hand during the greater part of the reign—the issues were accounted for in the early years by the sheriff, but later the account is rendered by a certain William, styled indifferently porter or janitor.⁴⁷ Again, towards the close of the reign the honours of Eye and Lancaster were in the king's hand. A certain Engelram, described either as janitor or porter, received an annual payment of about five pounds from Eye and twenty from Lancaster, and this was charged every year upon the same manor. Roger de Sancto Albino is associated with Engelram, but neither of them accounts for the issue of the honour. If these payments, so much in excess of the normal stipend of a porter, were not pensions, it must be supposed that they were made in respect of some service rendered, probably in connexion with the administration of the honours.⁴⁸

At Canterbury there was a *ianitor civitatis*, who in Henry II's

⁴³ Cf. Round, *The King's Serjeants*, pp. 98–112.

⁴⁴ *Red Book of the Exchequer*, ii. 466, where the references to the Testa de Neville are given. Cf. Blount, *Tenures*, ed. Hazlitt (1874), pp. 14–15.

⁴⁵ P. R., 13 Hen. II, p. 11; ann. 14, pp. 204–5; ann. 21, p. 10.

⁴⁶ P. R., 2 Hen. II, p. 51; ann. 3, p. 93; ann. 4, p. 144; ann. 5, p. 49; *Red Book of the Exchequer*, ii. 452.

⁴⁷ P. R., 5 Hen. II, p. 36; ann. 26, p. 47; ann. 27, p. 145; ann. 28, p. 107.

⁴⁸ P. R., 22 Hen. II, pp. 76, 89; thereafter the entries recur regularly. This case has already been mentioned above, n. 28.

time regularly received twenty shillings a year *quia facit iustitiam comitatus*.⁴⁹ The terms of the entry varied slightly from year to year; thus porter is more common than janitor,⁵⁰ and the last clause occasionally runs *facere iustitiam civitatis*, suggesting that he performed the same office for town and county.⁵¹ The Dorset accounts mention a *Godefridus portarius* who occasionally takes a payment of five shillings in Dorset, by the king's writ,⁵² and he seems to have belonged properly to the town of Dorchester, for in the thirtieth year it is said of the payment *quos habuit hoc anno in Dorseta*,⁵³ and two years later the entry *Dorseta* is altered to *Dorcestria*.⁵⁴ Of course there were castles both at Canterbury and Dorchester, but it does not necessarily follow that these porters were connected with them. On the other hand, it is difficult to see why the porter of a town should be charged with the duty of executing capital sentences.⁵⁵ There can be no doubt that *facere iusticiam* bears that sense in Henry II's pipe rolls; an entry for the thirtieth year makes that clear:

Pro iusticia facienda de Wilekan et sociis suis xiii s. et iiii d. pro catena scilicet qua suspensus fuit.⁵⁶

The sheriff, at the direction of the justices, was responsible for the execution of sentences of death or mutilation, and was authorized to employ suitable persons to carry out the executions. One or two instances of this may suffice, as Madox has brought together a good many of them. Thus the sheriff accounts for 10s. 2d.:

pro iusticiis faciendis precepto iusticiarum.⁵⁷

Then here is an entry in the London account which is typical, in the sense that it recurs frequently:

In iusticiis et iudiciis faciendis per totum annum xxii s. et i d.⁵⁸

But this does not exclude payment for special services of this kind, as conducting a counterfeiter who had abjured the realm to the sea-coast, mutilation, ordeals, and hangings.⁵⁹ There is, however, a suggestion that this duty might be incumbent on a local community. Thus in 1176 the sheriff accounted for two marks from the Somerset hundred of 'Charinton' (Carrington?):

quia non misit qui iusticiam faceret de quodam latrone.⁶⁰

⁴⁹ P. R., 2 Hen. II, p. 65.

⁵⁰ P. R., 5 Hen. II, p. 58; ann. 11, p. 102; ann. 18, p. 134.

⁵¹ P. R., 29 Hen. II, p. 154; ann. 32, p. 185.

⁵² P. R., 31 Hen. II, p. 173.

⁵³ P. R., 30 Hen. II, p. 122.

⁵⁴ P. R., 32 Hen. II, p. 135.

⁵⁵ See, however, Poole, *The Exchequer in the Twelfth Century*, p. 157.

⁵⁶ P. R., 30 Hen. II, p. 130. Madox, *Exchequer*, i. 373, takes the phrase in this sense.

⁵⁷ P. R., 30 Hen. II, p. 95; cf. p. 80.

⁵⁸ P. R., 24 Hen. II, p. 128.

⁵⁹ P. R., 4 Hen. II, p. 112; ann. 12, p. 131.

⁶⁰ P. R., 22 Hen. II, p. 157.

With this may be compared the case of the village of West Sleekburn in Durham, of which it is recorded :

Westlikeburna . . . portat brevia domini episcopi usque ad Tuëdam.⁶¹

It is obvious that the whole village would not carry the bishop's writ. Now if the analogous duty of executing the sentence of the court were incumbent on a city, it is not at all improbable that it should in practice be discharged by such a minor official as the porter, and in time be permanently attached to his office. If this were the case, our evidence still leaves open the question as to whether the porter at Canterbury and Dorchester was he who kept the gate of the town or the castle.

There was, of course, a regular staff of ushers (*ostiarii*) in the household and exchequer who were sometimes employed for delivering writs and summonses, and one is tempted by the similarity of the words *portarius*, *ianitor*, and *ostiarius* to see some original connexion, of which the Canterbury and Dorchester cases would represent a survival.⁶² But there seems to be no evidence that the *ostiarii* were employed on anything but civil business.

Then we know that there was a host of minor local officials, *servientes*, *garciones*, *baillivi*, some royal, some feudal, and some representing the local communities. Thus the sheriffs had *baillivi* and *ministri* under them who held *baillivae* of different sorts, and these were from the administrative point of view paralleled by the *senescalli et ministri* of the great feudatories, and we hear further of the *baillivi regis qui per terram suam erraverunt pro negotiis regis faciendis*.⁶³ In the famous dispute over the sheriff's aid, Becket could speak of the *vicecomites* and *servientes vel ministri provinciarum*, and we hear in the same text of the *ministri regis qui vicecomitum loco comitatus servabant*.⁶⁴ The pipe rolls supply a good many details about the minor local officers. They go mounted to serve summonses and writs, and can be described as *garciones* as well as *servientes*.⁶⁵ There are *servientes* who are regular officers of the hundred, and answer for its defaults, murder fines, and such-like, but in some cases these officers are described as *praepositi*.⁶⁶ Perhaps there were several, of whom one was chief, for a somewhat later record speaks of a tenure at the service of being *capitalis serviens de hundredo de Derby*, while

⁶¹ *Boldon Book*, ed. Greenwell, Surtees Soc., p. 38.

⁶² P. R., 11 Hen. II, p. 31 ; ann. 27, p. 67 ; ann. 28, pp. 104, 159 ; *Dialogus de Scaccario* (ed. Hughes, Crump, and Johnson), pp. 73, 92 ; *Red Book of the Exchequer*, ii. 524, 531, 564, 620 ; Madox, *Exchequer*, ii. 271 ; cf. Round, *The King's Serjeants*, pp. 83, 108-12.

⁶³ Inquest of Sheriffs, §§ 1, 3, 5, in Stubbs, *Charters*, ed. Davis pp. 175-6.

⁶⁴ Grim, *Vit. S. Thomae*, *ibid.*, p. 152.

⁶⁵ P. R., 31 Hen. II, pp. 5, 6 ; cf. ann. 13, pp. 2, 3.

⁶⁶ P. R., 16 Hen. II, pp. 115, 117, 153 ; ann. 17, pp. 109, 111.

another held land *pro eodem servitio sub eo*.⁶⁷ Similar *servientes* occur in connexion with ecclesiastical fiefs. The bishop of Ely had a *serviens* at Ditton *qui facit summonitiones militum episcopatus*.⁶⁸ With a crowd of minor officials of this sort, of diverse origin and authority, but all as it would seem under the control of the sheriff,⁶⁹ it is not difficult to suppose that the porter of a town might be reckoned one of the group and employed for the purpose of executions; we must understand that certainly the Canterbury porter, and probably the Dorchester one also, were officers of the town and not the castle, therefore they would fall outside the scope of these notes, which are chiefly concerned with the minor officials of the castle; on the other hand, the case is curious and puzzling, and some measure of irrelevance in the discussion of it may therefore perhaps be forgiven.

We come now to the third functionary in our group, namely, the *vigil* or watchman. As he occurs very regularly in connexion with the porter, much of what has been said of the one may be taken to apply to the other. In the *Constitutio Domus Regis* the watchman appears in the department of the marshalea, and his chief business was to guard the treasure, and this is corroborated by what the *Dialogus* has to say about him.⁷⁰ In Henry I's pipe roll there is record of a payment in Oxfordshire :

in perdonā . . . Iohanni vigili.⁷¹

And the accustomed pair of officers also occur in the record in connexion with the castle of St. Briavel.⁷² Henry II's pipe rolls, as we have seen, show frequent payments to porters and watchmen both in royal and baronial castles.⁷³ There is abundant evidence of an annual fee which worked out at the rate of 1*d.* a day.⁷⁴ Then too we find watchmen holding land. In Henry I's pipe roll there is an entry of certain payments for clothes to four watchmen of Exeter Castle which concludes with these words :

Et ii ex his vigilibus xxv s. vii d. numero pro defectu prebende sue.⁷⁵

It may be doubted, of course, whether the *prebenda* in question

⁶⁷ *Red Book of the Exchequer*, ii. 570.

⁶⁸ P. R., 16 Hen. II, p. 96.

⁶⁹ Except, of course, the stewards and bailiffs of the feudal lords, who are cited merely by way of analogy.

⁷⁰ *Red Book of the Exchequer*, iii. 812-13; *Dialogus de Scaccario*, pp. 62, 65.

⁷¹ P. R., 31 Hen. I, p. 4; cf. pp. 74, 76.

⁷² *Ibid.*, p. 76.

⁷³ e. g. ann. 9, p. 4 (Worcester); ann. 12, p. 53 (the Peak); ann. 8, p. 73 (bishopric of London).

⁷⁴ e. g. P. R., 31 Hen. II, p. 215 (Southampton), £4 11s. 3*d.* to a clerk, porter, and watchman. As in the case of the porter's fee discussed above, there are some puzzling exceptions, cf. ann. 25, p. 109 (Carisbrooke), where it is difficult to say on what basis the payment was calculated. On the other hand, the traditional fee is found in use at Norham as late as the fifteenth century, though there was an additional payment for the long winter nights; see the extracts from the Durham Receiver's Roll given in Raine, *North Durham*, p. 286.

⁷⁵ P. R., 31 Hen. I, p. 152.

was a daily allowance of food and drink, or lands assigned to produce such an allowance. But in the next reign it is quite clear that *vigiles* were holding land feudally. We hear of the issues :

de terra escaetta vigilum de Peuensel⁷⁶

in Kent, and of the *terra vigilum de Monte Acuto*⁷⁷ in Sussex and Dorset. These were the *vigiles* of the honour of Montacute. Then in the twentieth year there is an entry of land in Oxfordshire to the value of 70s. granted to Tuold *vigili regis*.⁷⁸

The duties of the castle watchman, though, as in the case of the porter, they are not minutely described, may readily be conjectured. But the staff could on occasion be reinforced by additional watchmen. These, however, seem to have rather a military character. Instructive examples of this may be cited. All through Henry II's reign the payment of wages to the porter and watchmen of Southampton Castle recur from year to year, but in the twentieth year there is an additional charge for the payment of five knights and one watchman.⁷⁹ In the same year there is a payment to a certain number of knights and four watchmen who were with the sheriff in the castle of Northampton from Easter until the Feast of the Assumption.⁸⁰ In the twenty-first year an additional watchman and porter were placed in Worcester Castle.⁸¹ These measures were no doubt due to the young king's rebellion. Then in the twenty-eighth year there was a payment for a porter and watchmen, *quos accreverunt ad custodiam castelli de Doura*, for the half-year.⁸² With this may be compared what Mr. Round has to say about the hired serjeants, light-armed troops (*servientes*) who are distinguished from tenants by serjeanty and the smaller tenants by knight service.⁸³ The porters and watchmen who had been added to the garrison of Dover Castle must be regarded as belonging to this class of troops. We know that in the next century *servientes* receiving wages were kept in a southern castle for garrison purposes.⁸⁴ At Dover it appears that the garrison watchmen, while keeping their distinctive name, became as a matter of fact tenants by serjeanty, bound to a garrison duty at the castle in some way inferior to castle guard incumbent on tenants by knight service.⁸⁵ However this may be, the main point would seem to be clear. The watchmen were combatants,

⁷⁶ P. R., 11 Hen. II, p. 109.

⁷⁷ P. R., 13 Hen. II, pp. 37, 149; ann. 15, pp. 2, 56.

⁷⁸ P. R., 20 Hen. II, p. 78.

⁷⁹ P. R., 20 Hen. II, p. 134.

⁸⁰ P. R., 20 Hen. II, p. 55.

⁸¹ P. R., 21 Hen. II, p. 127.

⁸² P. R., 28 Hen. II, p. 150.

⁸³ P. R., 33 Hen. II, introd., pp. xxiii-xxiv.

⁸⁴ See the documents given in Dawson, *Hastings Castle*, i, pp. 86 ff.

⁸⁵ This seems to be a reasonable inference from some rather obscure talk in Lyon's *Dover*, ii, 89, 95, 103, 118, 123.

and reckoned part of the castle garrison, in which they would be counted as serjeants or light-armed troops, and this would be true of the porters as well. Perhaps, in view of the evidence produced in connexion with the porter, the term *serviens* was used in a general rather than a special sense, but even so it would seem to be clear that both the porter and watchmen would be regarded as combatants.

GAILLARD LAPSLEY.

Friar Malachy of Ireland

ON 26 April 1518 there issued from the press of Henri Estienne the elder at Paris a small quarto volume of twenty-five leaves, bearing on f. 1 a the title,

F. Malachię Hibernici, ordinis minorum, doctoris theologi, strenui quondam diuini verbi illustratoris necnon vitiorum obiurgatoris acerrimi Libellus, septem peccatorum mortalium venena eorumque remedia describens: qui dicitur Venenum Malachiae. Parisiis in Officina Henrici Stephani,

and on f. 25 b the colophon,

F. Malachię Hibernici, ordinis minorum, doctoris theologi ac insignis diuini verbi praedicatoris, qui anno domini 1300 vigeabat, libelli, qui venenum peccatorum seu Malachie dicitur, finis. Impressum Parisiis in officina Henrici Stephani. . . Anno Domini 1518, Aprilis 26 die.

The following page (f. 1 b) is occupied by an index of the sixteen chapters into which the tract is divided:

i. Quod triplici ratione omne peccatum veneno comparatur. ii. Triplex remedium contra peccatum in generali. iii. De primordiali veneno peccati et principali, scilicet superbia. iv. Triplex superbię remedium. v. De veneno inuidie. vi. De triplici remedio inuidiae et quibus inuidia comparetur et quanta mala ex ea sunt orta. vii. De veneno irae. viii. Remedium contra iram. ix. De veneno acidie. x. De remedio acidie. xi. De auaritię veneno. xii. De remedio auaritię. xiii. De veneno gula. xiv. De remedio gula. xv. De veneno luxurię. xvi. De remedio luxurię.

This volume is excessively rare, and to my knowledge there is no copy to be found in any library in Ireland. I have had before me that belonging to the British Museum (697. h. 17). There are also a copy in the Bodleian and two in Cambridge University Library.

Malachy's tract begins with the words (f. 2 a):

De peccato in generali. Quod triplici ratione omne peccatum veneno comparatur. Ratio veneni potissimum conuenit peccato prioritate originationis.

It ends (f. 25 b),

Hęc igitur dicta sufficiant secundum mei tenuitatem ingenii de prae-
dictis ad aliqualem instructionem simplicium qui habent populum infor-
mare : pro quibus sit mihi Christus pręmium et merces qui cum patre et
spiritu sancto viuit et regnat in saecula saeculorum. Amen.

The most interesting things in this curious work are perhaps
several passages in which reference is made to Ireland. These
passages are worth quoting in full :

f. 15 b. Huic insule Graecię [i. e. Crete] conformis est Maior Scotia, scilicet
Hibernia. Scotia enim est vocabulum Gręcum secundum Philosophum
[i. e. Aristotle] Lib. de Animalibus 16.¹ Etiam Hibernici sunt Graeci
origine. Sed ultra Cretam deus dedit ei virtutem ut nullum venenum
admitteret nec in aranea nec in aliquo animali, et, ut credo, salua meliori
oppositione, quod est proprietas consequens terram. Quod patet per hoc
quod terra eius portata ad alias terras repellit venenum, sicut dicit Beda
de Gestis Anglorum ² et alii historiographi. Sed proth dolor ! venenum
quod negavit ei deus in aranea bestiali et in terra permisit regnare in
humana natura. Nam ultra omnes terras abundat in triplici aranea
superius dicta spiritualiter tantum intellecta. Habet enim sphalangiam,³
id est predones, quia omnes fere terrae natiui sunt tales.

f. 16 a. Sic ergo pędo rapax et adulator mendax indiuiduam habent societatem
in dicta Hibernia, quae bene conuenit in conditionibus cum Creta, quia
Cretenses semper mendaces, ad Titum i [12]. Habet etiam Hibernia
tertiam araneam, scilicet formicoleonem ⁴ multiplicem, scilicet balliuos et
officiales, quibus in dicta terra, ut videtur, innata est astutia venenata ad
destruendum pauperes et innocentes.

f. 17 a. Iste cruciatus multum regnat in Hibernia, cuius gens natiua histrionibus
et adulatoribus carmina mellita sed venenata componentibus omnia sua
distribuebant ; et ideo veneno vanae et falsae laudis semper inflati erant.

f. 18 b. Et credo quod hęc liberalitas, licet de aliena substantia multos disponit
ad gratiam in Hibernia ubi fures et predones consueuerunt de rebus alienis
esse hospitalis.

f. 19 a. Exemplum narratur quod in Hibernia erat quidam diues et hospitalis
et largus valde. Hic ad mortem propinquans adiuratus fuit ab amico suo
ut sibi reuelaret statum suum. At ille post magnum tempus apparuit
amico suo qui requisitus de statu respondit quod damnatus fuit. Et
amicus 'ubi' inquit 'sunt elemosynę tuę multae, pupilli et orphani quos
nutristi ?' At ille 'omnia' inquit 'propter gloriam mundi et extollentiam
iactantię feci, et ideo totum perdiidi.'

f. 22 b. Tamen nota dictum Isidori ⁵ de murena, quod tantum est foeminei
sexus, non habere veritatem in Hibernia ubi murena est in utroque sexu.
Qui cum sequuntur illam opinionem dicunt quod uno mense anni nulla

¹ Malachy is perhaps confusing *Scotia* with *Scythia*, which is mentioned several
times in the *Historia Animalium*.

² *Hist. Eccl. Gentis Angl.* i. 1.

³ This is apparently for *phalangium*, a venomous spider.

⁴ For this word see Isidore, *Etymol.* xii. 3. 10.

⁵ *Etymol.* xii. 6. 43.

murena posset inueniri in Hibernia, eo quod oportet eas adire viperas ultra mare ad concipiendum. Sed hoc est falsum. Illud ergo intelligatur dictum spiritualiter quia adulterium multum ibi regnat, et quod est contra naturam murenae, id est viduae, cursitare per terras ad prouocandum viros ad peccandum. Et valde mirabile est quod in dicta insula, cum sit frigida et humida, et dieta eius ut in pluries sit frigida, unde homines eius sunt fornicarii et adulteri, ita quod nec sententia excommunicationis nec verba praedicationis possunt ligare eos vinculis matrimonii. Dicatur ergo quod tales sunt satyri.

2 b. Similiter [i. e. to Babylon] regnum Hiberniae finem habuit in Rodico ⁶ rege libidinoso, qui dixit quod sex uxores non dimitteret propter regis coronam ⁷ et ideo regnum translatum est . . . et nota quod ecclesia hodie potest comparari domui Sardanapalli, quia greges scortorum commisti sunt gregibus sacerdotum quorum luxuria multo excedit incontinentiam laicorum.

2 a. Unde narratur de sancta Columba ⁸ filia regis Scotiae, puella nimis pulchra, ut magis in rege incitaretur libido fuit coram ipso tota denudata, qui stanti ad hanc triplicem meditationem recurrit dicens, 'pulchra es, sed mortalis et de mortali genita et ad mortem parata, ideo deum qui est vita mea propter eam non dimittam.

The author shows a not inconsiderable range of reading. The following books and writers are quoted by name: The Bible, Augustine, Pliny's *Historia Naturalis*, Latin translations of Aristotle's *de Animalibus* and *Ethics*, Isidore Papias, 'Commentator super Boetium de Disciplina Scholarium',⁹ the *Epistolae* of Seneca, Gregory's *Moralia* and *Pastorale*, Anselm's *Liber de Similitudinibus*,¹⁰ Jerome, Orosius, Aesopi *Apologi*, Avicenna, Hesychius in *Leuiticum*, Cicero *de Officiis* and *de Tusculanis Quaestionibus*, Martianus Capella, Boetius, *Historia Alexandri Magni de Proeliis*, and *Aristoteles in Epistola ad Alexandrum*, St. Francis, Ambrose in *Hexaemeron*, Fulgentius' *Liber Mythologiarum*, Beda *de Gestis Anglorum* and *super Lucam*, Solinus, Alexander Nequam's *Liber de Naturis*, Latin versions of Dioscorides, of Galen *super Aphorismos*, of Chrysostom *super Matthaeum*, of 'Sorath.' in *lib. 8 de Animalibus*,¹¹ Valerius Maximus, Physiologus, Bernardus *Epistolae*, Constantinus Africanus.

As to the author of this tract, we have seen that in the title and colophon of the Paris edition he is called 'Malachias Hiber-

⁶ Roderic O'Connor.

⁷ This remarkable story is told in the *Annals of Loch Cé*, ed. Hennessy, i. 1871, p. 315; cf. p. xlii.

⁸ I do not know to what personage Malachias is here referring.

⁹ Cf. Manitius, *Gesch. lat. Lit. des Mittelalters*, i, 1911, p. 36.

¹⁰ This is the work of Eadmer, which may be read in Migne, *Patrol. Lat.* clix. 605 ff.

¹¹ Possibly the compendium of Aristotle's *de Animalibus* in nineteen books by Avicenna, which was translated by Michael Scottus; cf. Steinschneider, *Sitz. der Wiener Akad., Phil.-Hist. Cl.* cxlix. 1905, Abh. 4, p. 57.

nicus', and is stated to have been a Franciscan preacher who lived in the year 1300, 'a doctor of theology, a strenuous expounder of the Scriptures, and a most zealous rebuker of vices'. John Bale in his *Index*,¹² written between 1549 and 1557, merely repeats these statements from the printed edition, but in the *Catalogus*¹³ he adds the details that Malachias 'was accorded great praise at home and abroad and was much esteemed at Oxford,'¹⁴ that he was thought fit to be chosen 'to preach before princes and primates', that in addition to the *De Peccatis* he had written *Conciones Plures, lib. i*, as well as 'other works which have perished', and that he flourished in 1310 in the reign of Edward II. Bale's account, more or less distorted and amplified, has been reproduced by succeeding writers. Thus Stanishurst¹⁵ makes him specifically a student of the University of Oxford, and Wadding¹⁶ states that having become B.D. at Oxford he preached before Edward II and was not afraid to rebuke the king to his face. In his *De Scriptoribus Hiberniae*¹⁷ Ware repeats Bale, but gives us, without stating any authority, the additional information that 'Malachy flourished at Oxford in 1310 and afterwards at Naples'.¹⁸

It was stated by Sbaralea¹⁹ that Malachias was a member of the Franciscan convent of Limerick, who during the reign of Pope Nicholas III (1277-80) was elected archbishop of Tuam by one part of the electors. Sbaralea did not mention his authority for this statement, but it can be traced to a bull published by him in his great collection, *Bullarium Franciscanum*.²⁰ The identification of the author of the *De Veneno* with this Malachias of Limerick seems to me highly probable.²¹ Besides the bull just referred to, the only documents which mention this personage seem to be: (a) A letter of Nicholas, archbishop of Armagh, to

¹² p. 286, ed. R. L. Poole, Oxford, 1902.

¹³ Pars ii, Basel, 1559, pp. 242-3.

¹⁴ It will be observed that Bale does not actually say that he was a student at Oxford.

¹⁵ In Holinshed, *Chronicle*, ed. London, 1808, vi, pp. 61-2.

¹⁶ *Annales Minorum*, ed. 2, vol. vi, Romae, 1733, p. 176, and *Scriptores Ordinis Minorum*, ed. Romae, 1806, p. 168.

¹⁷ p. 65, Dublinii, 1639.

¹⁸ More recent writers, e. g. Dupin (*Nouvelle Bibl. des Auteurs ecclés.*, 2nd ed., 1700, t. xi, p. 61), Fabricius (*Bibl. Lat. Med. Aet.*, ed. Florence, 1858, v. 11), H. Wharton (in Cave, *Script. Eccles. Hist. Lit.* ii, 1743, Appendix, pp. 13-14), Tanner (*Bibl. Brit. Lib.*, 1748, p. 502), Little (*Grey Friars in Oxford*, 1892, p. 223, and *Dict. of Nat. Biogr.*, 1893, art. 'Malachy of Ireland'), and Mrs. J. R. Green (*Making of Ireland*, 1908, p. 289), have added nothing to our knowledge of Malachy. Some authorities had included him in the list of Dominican preachers, but erroneously, as was pointed out by Quéatif and Echard (*Script. Ord. Praed.* i, 1719, pp. 742-3).

¹⁹ *Supplementum ad Scriptores Trium Ordinum S. Francisci*, 1806, p. 507.

²⁰ Vol. iii, Romae, 1763, p. 573.

²¹ He is not the same person as Malachy MacAedha (MacHugh), who was archbishop of Tuam from 1312 to 1348, for the latter was not a Franciscan.

King Edward I, dated 1279 (about June), stating that the church of Tuam having lately become vacant, the dean, archdeacon, and some canons of that church had postulated as archbishop Brother Malachy of the order of the Franciscans. The archbishop prays the king to pity the poverty of the church, and to extend the kingly favour to Brother Malachy, who is in the flower of his youth and is provident and discreet.²² (b) The king's reply, dated 22 April, 1280, giving his assent to the election of Brother Malachy as archbishop of Tuam. This election is to be signified to the pope for ratification.²³ (c) A letter of Pope Honorius IV, dated 12 July 1286, addressed to Stephen, bishop of Waterford, transferring him to the archbishopric of Tuam. It appears that on the death of Thomas,²⁴ the former archbishop, the dean and chapter having appointed seven canons to elect a successor, five of them chose Master Nicholas de Machin, canon of Tuam, the dean and two others electing Friar Malachy of the Minorite convent of Limerick. When the matter was brought before Pope Nicholas III, who was petitioned to confirm the election of Master Nicholas, it was examined by three cardinals, and on that pope's death (22 August 1280) Friar Malachy, though he had appeared before them, left the Roman Curia without leave, and no more prosecuted the cause of his election, on which, at the request of Master Nicholas, Pope Martin ordered the examination to go on. Some opposition to the election of Nicholas was made, and the proctor of the dean and chapter of Tuam prayed that Malachy's election might be annulled. The cardinal appointed to inquire into the matter advised that this should be done, and Stephen, bishop of Waterford, was finally appointed to the post.²⁵

From the *De Veneno* there is little to be learned of the personality of the author. He mentions St. Francis, and, as we have seen above, inveighs in violent terms against the misgovernment of Ireland in his time, and against the degradation and corruption into which the people and church of that island had sunk. His description of the immorality of both laymen and clergy is particularly characteristic. His book he describes as being written 'for the instruction of simple men who have to teach the people' (f. 25 b). What authority Bale had for stating that Malachias was 'much esteemed at Oxford', or Wadding and his successors that he was actually a student there or at Naples, and had preached before King Edward II, I do not know. Judging

²² Sweetman, *Calendar of Documents relating to Ireland*, ii, 1877, pp. 311-12.

²³ *Ibid.*, p. 340.

²⁴ He died in June, 1279; Eubel, *Hierarchia Catholica Medii Aevi*, i, ed. 2, 1913, p. 500.

²⁵ Theiner, *Vetera Monumenta Hibernorum et Scotorum*, Romae, 1864, pp. 135-6, and Bliss, *Calendar of Papal Letters*, i, 1893, pp. 487-8. Mr. A. G. Little has kindly called my attention to these sources.

by the books with which he shows acquaintance in the *De Veneno*, a connexion with the university of Oxford would not be improbable, and this may perhaps find some confirmation in the fact that the tract appears to have enjoyed some popularity in England during the fourteenth and fifteenth centuries, whereas there is no evidence that it was ever known in Ireland.

By a confusion possibly arising from the fact that our tract frequently occurs in manuscripts containing moral treatises by Robert Grosseteste (d. 1253), notably the *De Oculo Morali*, it also came to be circulated under the name of that famous bishop, and consequently manuscript copies of it are fairly numerous—more so apparently than those of the printed edition.

The following list, which cannot claim to be a complete one, enumerates thirty-six manuscripts. Of these, three only have preserved the name of Malachias²⁶ as that of the author; in fifteen the tract is anonymous,²⁷ and in eighteen²⁸ it is attributed to Grosseteste:

CAMBRIDGE, University Library, Dd. 10. 15, ff. 1 a–12 b, s. xv [anonymous]; Ii. 1. 26, pp. 138–73, s. xv [attributed to Grosseteste]: Pembroke College 239, ff. 240 a–254 b, s. xv [to Grosseteste]: Peterhouse 237, ff. 122 a–131 a, s. xiv/xv [anonymous]: Sidney Sussex Coll. 85, ff. 81 a–94 a, s. xiv [anonymous]: Trinity Coll. 370, ff. 251 b–256 a, s. xiv [to Grosseteste]: Queens' Coll. 10, ff. 62 b–67 b, s. xiv [to Grosseteste].

DUBLIN, Trinity College, A. 5. 3,²⁹ ff. 186 a–196 b, copied in or about the year 1375 at Cambridge, by a certain Adam de Stocton, *lector* in the Augustinian convent there. The treatise is anonymous and bears no title. It is divided into twenty-four chapters. On ff. 78 b–80 b we have the *Tabula Tractatus de Veneno*; C. 2. 18,³⁰ ff. 15 b–17 a, merely a summary of the headings of our text entitled in the index at the beginning of the volume *Lincolniensis de speciebus vii peccatorum mortalium*.³¹ The manuscript proper is a quarto volume written on paper in various hands of the latter part of s. xv. It consists of one unnumbered leaf containing an index of the contents of the manuscript, and 171 numbered leaves. The index has been carelessly reproduced by Abbott, who gives the second last article as 'Epp. a Synodo Basil. ad haereticos in Hibernia et in Anglia', whereas the manuscript has *cum duobus epistolis quarum una*

²⁶ A fourth must have been that from which Estienne printed the tract. Possibly it was at Paris. Quétif and Echarde (*Script. Ord. Praed.* i, p. 743) mention a Paris MS., 'Regia D. 1135', but I have not succeeded in tracing it in any of the printed catalogues of the *Bibliothèque Nationale*.

²⁷ In one of these a scribal oversight has entitled the tract *Liber Soliloq. S. Augustini*.

²⁸ One of these is a mere summary of the work.

²⁹ No. 115 in T. K. Abbott's *Catalogue*, p. 14, where it is very badly described.

³⁰ No. 281 in the *Catalogue*, p. 43, where it is inaccurately described.

³¹ This manuscript also contains various ecclesiastical treatises and extracts. At the beginning are four unnumbered parchment leaves with religious matter in a hand of s. xvi, and at the end also are four parchment leaves and four paper leaves with further religious notes in hands of s. xvi.

missa fuit hereticis in Bohemia altera in Anglia a Sinodo Basiliensi. This index ends with the words [*Hic liber*] *est domus Iohannis de Bethleem ordinis Cartusiensis de Shene.* The Carthusian Priory of Shene in Surrey was founded in 1414.³²

DURHAM, Cathedral Library, B. 2. 4, s. xiv [anonymous].

LINCOLN, Cath. Libr., C. 3. 2 [to Grosseteste].

LONDON, British Museum, Cotton, Vitellius C. xiv, a folio volume of 212 leaves measuring about 25 cms. by 19 cms., vellum, written in double columns with large initials in red and blue in a hand of s. xiv. Much damaged by fire, especially in the upper part of the page, where the top few lines of text have been frequently destroyed or rendered illegible. No indication of provenance.³³ Our tract commences on f. 57 a without any title, *Racio veneni potissime conuenit peccato prioritate originis. . .* It ends on f. 65 a, *aliis derelictis. Utinam sic esset inter christianos suas uxores dimittentes . . . pro quibus sit mihi Christus premium et merces qui cum patre et spiritu sancto viuit et regnat deus. Amen. Explicit tractatus qui dicitur venenum Malachie editus a fratre Malachia de ordine minorum et prouincia Ybernie*; Royal, 7. C. 1, ff. 82 a–92 b, s. xiv, from Ramsey Abbey [anonymous]; Royal, 7. F. ii, ff. 1 a–9 b, s. xiv, from Westminster Abbey [anonymous]; Sloane, 1616, ff. 1 a–32 a, s. xiv [to Grosseteste]; Gray's Inn Libr., 18, ff. 220 a–229 b, s. xv [to Grosseteste]; 23, ff. 181 b–190 a, s. xv [anonymous]; Lambeth Palace, 483, ff. 77 a–111 a, s. xiv, from St. Cuthbert's Abbey, Durham [anonymous], some folios misplaced in binding; 523, ff. 88 a–113 a, s. xiv, without title, but on f. 113 a after the closing words *aliis derelictis* a hand, very probably the original and certainly of the same period, has added *Explicit Malachias*.³⁴

MUNICH, manuscript in possession of J. Halle (Ottostrasse 3 a), a paper quarto of 35 leaves containing only the *De Veneno*. The colophon is as follows: *Explicit tractatus de veneno viciorum traditus a fratre Malachia de prouincia Ybernie, scriptus per me dominum Mathiam Hueber monachum in Ochsenhusen. Anno Domini 1459.*

OXFORD, Bodleian,³⁵ Laud Misc. 206, ff. 1 b–55 a, s. xv [to Grosseteste]; Laud Misc. 524, ff. 111 a–126 a, s. xv [anonymous, a later hand has added the attribution to Grosseteste]; Laud Misc. 645, ff. 57 b–66 b, s. xv in., the scribe has entitled the tract *Liber Soliloq. S. Augustini*, but a second hand has added *Lincoln. de Venenis*. This copy is imperfect, it breaks off at the fourth remedy; Digby 163, ff. 1 a–20 b, s. xv [to Grosseteste]; Bodley 122, ff. 91 a–133 b, s. xiv [anonymous]; Bodley 798, ff. 127 b–138 a, s. xiv ex. [anonymous]; University Coll. 36, pp. 261–99, s. xiv [to Grosseteste]; 60, pp. 236–61, s. xv [to Grosseteste]; Merton Coll. 43, ff. 27 a–53 b, s. xiv [to Grosseteste]; 68, ff. 64 b–74 b, s. xv [to Grosseteste]; Magdalen Coll. 6, ff. 133 b–160 a, written in 1393 [anonymous]; 48,

³² Dugdale, *Monasticon Anglicanum*, new ed., vi. i. 1830, pp. 29–34; Martene, *Thes. Nov. Anec.*, 1717, i. 1773; Lefebure, *Chartreux*, ii. 1883, p. 335.

³³ For a list of contents see Planta, *Catal. of MSS. in the Cottonian Library*, 1802, p. 427.

³⁴ I am indebted to Mr. J. P. Gilson and the Rev. Claude Jenkins for information about the British Museum and Lambeth MSS.

³⁵ I have to thank the Rev. Dr. H. M. Bannister for a kind communication relative to the Bodleian MSS.

ff. 225 b-241 b, s. xv in. [to Grosseteste]; 200, ff. 29 b-40 a, s. xv in. [anonymous]; 202, ff. 220 b-233 b, s. xv [to Grosseteste].

TOULOUSE, 230, ff. 156-75, s. xv [to Grosseteste]; 232, ff. 29-39, s. xv [to Grosseteste].

The catalogue of the ancient library of Syon Monastery, Isleworth (ed. M. Bateson, 1898, p. 234), mentions under the name *Lincolniensis* no less than five copies of the tract. Those of the above manuscripts which I have been able to inspect agree in the main with one another and with the printed text, but there are very many verbal and orthographic differences.

M. ESPOSITO.

Robert Bruce's Rebellion in 1306

THE history of Robert Bruce's movements between the murder of Comyn on 10 February 1306 and his coronation at Scone on 27 March following appears to rest mainly on the evidence of Barbour. This is confirmed by a document which appears to have escaped notice, though printed by H. T. Riley in 1873, in his edition of *Registra Iohannis Whethamstede, Willelmi Albon, et Willelmi Walingforde*, ii. 347-53, in the Rolls Series, from the Cotton MS. Tiberius E. vi, f. 201 b. It is a letter written from Berwick, some time in March, before the 26th,¹ possibly to John Maryns, abbot of St. Albans. It is dated by Riley as 1297 or 1298, but it occurs between a document of about August 1304² and a letter dated April 1306. From internal evidence there can be little doubt that it is of the date which I have assigned to it. Richard Siward, who is mentioned as being imprisoned by Bruce, was captured at the fall of his castle of Tibbers on the day of Comyn's murder.³ Bruce is in possession also of Comyn's castle of Dalswinton, and the king's castles of Dumfries and Ayr. He is transferring all the stores to his own castles of Lohmaben and 'Ananorby', the latter of which he has obtained from Malcolm Coyllan, who held it for the king, by exchange for another. The king holds Berwick, Jedburgh, Bothwell, Kirkintullagh, Edinburgh, Linlithgow, and Stirling. Rothesay has been taken by stratagem, on the pretext of victualling it. Adam Gordon is besieged at Inverkip. Bruce has unsuccessfully attempted to raise Galloway and has been to Glasgow, where the bishop is his chief councillor and gave him absolution the Saturday before the date of the letter. He then set out to cross the Forth and sent Alexander de Lindsay to Sir Walter Logan to summon the castle of Dumbarton, and

¹ Sir Robert Fitz Roger is mentioned as being on his way to Berwick. He was there on the 26th (Bain, *Calendar of Documents relating to Scotland*, ii, no. 1751).

² See *Calendar of Patent Rolls, 1301-7*, pp. 278, 281, 285.

³ Bain, ii, no. 1811.

induce Sir John Menteith to come out and parley. Sir John has refused and declines to surrender the castle without letters from the king. Among the leaders on the king's side, most of whom are mentioned by Bain's *Calendar* as serving against Bruce, are the earl of Athol and Sir Simon Frazer, who both subsequently joined him. Bruce is represented as having replied to the council of Scotland and to John de Sandale the chamberlain that he intended to persist in his rebellion until the king granted his demands for the crown of Scotland. On the day on which the letter was written news had come from Menteith that Bruce had crossed the 'Sea' with 60,000 men.

The letter is much mutilated, but enough remains to justify its attribution to 1306, and it seems strange that it should not have found its way into any of the more recent histories of Scotland.

CHARLES JOHNSON.

William Morice and the Restoration of Charles II

A WEST Country man by birth and upbringing, William Morice was allied by marriage with the families of Grenville and Monk. By both he was loved and trusted: Sir Bevill Grenville¹ bequeathed to him the care of his wife and family, and into his sole charge Monk committed the management of his Devon estates.² Nor was he lacking in public spirit: he served his county of Devon as justice of the peace (1640) and as sheriff (1651), and in 1648 he was elected to represent it as knight of the shire.³ But he never sat in the Long Parliament, and his presbyterian opinions involved his expulsion by Pride's Purge. He was re-elected both in 1654⁴ and in 1656, but was excluded from the latter parliament on the ground that his choice was not approved by the Protector's council.⁵ When Richard Cromwell summoned parliament for January 1659 Morice's recent purchase of the Werrington estate secured his election⁶ by those 'Vianders and free Burgesses of the Borough of Newport in Cornwall' who in 1648, 'without his Privitie, Sollicitation or good liking', had 'unanimously elected for their Burgess' the redoubtable William Prynne.⁷ Prynne, however, as he himself relates, had been 'forcibly secluded, secured, and now twice re-secluded by the Army officers';⁸ and Newport remained unrepresented until

¹ Letter of Sir B. Grenville to W. Morice, 15 May 1639: *Thurloe State Papers*, i. 2.

² Clarendon, *Great Rebellion*, bk. xvi. 160 (vol. vi. 192, ed. Macray).

³ *List of Returns of Members of Parliament*, p. 487.

⁴ *Ibid.*, p. 499.

⁵ *Journal of the House of Commons*, vii. 425.

⁶ Courtney, *History of Parliamentary Representation in Cornwall*, pp. 379-80.

⁷ See Prynne's *True and perfect Narrative*, 1659.

⁸ *Ibid.*

1659, when Morice and Sir John Grenville were returned.⁹ In the elections for the convention parliament Morice was returned both for Newport and for Plymouth;¹⁰ when he took his seat it was as the representative of the freemen of the port.

Morice was not merely the country squire of business ability; he was also a scholar with a genuine love of learning, inherited perhaps from his father, Dr. Evan Morice, who had been chancellor of the diocese of Exeter, and deepened by his education at Exeter College, Oxford. Clarendon¹¹ describes him as 'a person of a retired life, which he spent in study, being learned and of good parts, while Price,¹² Monk's chaplain, says, 'He was one that much conversed with Books, and had lately written one against the Practice of Independent Teachers.'¹³ In later years John Evelyn loved to dine with him, for then 'We had much discourse about bookes and authors, he being a learned man and had a good collection'.¹⁴ Even Burnet admitted that 'he was very learned', though he unkindly added, 'full of pedantry and affectation'.¹⁵

But Morice need not be judged solely by the verdict of his contemporaries, for the recent discovery of a series of his private letters enables him to speak for himself. These letters are forty-three in number; they have been preserved, bound in two volumes marked 'Old Letters', in the library at Prideaux Place, Padstow, the same Elizabethan manor-house in which they were received.¹⁶ They were all addressed by Morice to his brother-in-law, Edmund Prideaux; the first is dated 5 April 1660, and the last to the same 'eldest and best friend' is written on 28 October 1676, a few short weeks before the writer's death. They are written on single sheets, in a minute but legible hand; each is carefully dated, and the greater number are endorsed 'For my much honored brother Edmund Prideaux, Esq: at Padstow in Cornwall'. The manuscripts have suffered little from the passage of time; bound up with other letters of the Prideaux family, they have been carefully preserved, but they have not been numbered, nor are they arranged in strict chronological order.

In these letters Morice shows himself a shrewd kindly man,

⁹ Courtney, pp. 379-80.

¹⁰ *Returns of Members of Parliament*, p. 513.

¹¹ Bk. xvi, p. 160.

¹² Price, *Mystery and Method of the Restoration*, 1680, p. 118.

¹³ *Coena quasi κοινή*, *The New Inclosures broken down, and the Lord's Supper laid forth Common for all Church Members*, 1657.

¹⁴ *Diary*, ii. 162 (ed. 1879).

¹⁵ Burnet, *History of my Own Time*, ed. Airy, 1897, i. i. 179.

¹⁶ To these original letters I have lately had access through the kindness of their owner, Colonel Prideaux-Brune, of Prideaux Place, to whom I am also indebted for the permission to transcribe them. My thanks are also due to the Hon. Mrs. Prideaux-Brune for much information as to the families of Prideaux and Morice.

prudent in temperament, puritan in tendency, with a strong sense of duty towards the state, a deep-seated affection for his family, and a genuine love of learning. He describes himself in one letter as 'a true Englishman and subject of England',¹⁷ while in another he urges on his brother-in-law the unwelcome office of sheriff by arguing 'Your station exposing you to it, and your country requiring it'.¹⁸ His love for his family is evident throughout the letters, and his efforts to further its interests were unwearying. Two people stand out prominently in the family circle: his favourite niece 'Sweet Admonition' Prideaux, whose only fault was her 'affecting of solitude', and her brother 'Humfry', the future dean of Norwich. In the letters 'Humfry' is the 'eagre and impatient' pupil of Busby, the boy for whom his scholarly uncle procured by royal mandamus, from 'a sullen and severe' dean, a studentship at Christ Church. Morice's letters are also interesting in their references to local government in Cornwall, and to general public events, but his treatment of such subjects is regrettably fragmentary.

In the first four letters of the series, written in the critical spring and summer of the Restoration, Morice's reticence is particularly unfortunate, for he does not explain exactly how he contributed to the return of the king. At first sight it seems a strange turn of fortune's wheel, which raised the west country squire to be secretary of state, and the question at once arises: what services did he render that he received so conspicuous a reward? As one of the secluded members, Morice had thrown in his lot with Sir Thomas Stukely¹⁹ and Sir Hugh Pollard,²⁰ the leaders of the royalists in the west, and with them he had seen with regret the collapse of their schemes in the summer of 1659. The autumn witnessed the temporary triumph of Lambert, and finally the restoration of the 'fag end of a parliament' on 26 December.²¹ In the opinion of the Devonshire royalists, the only hope lay in the recall of the 'secluded' members of 1648, and to this end they presented a petition to parliament demanding their readmission.²² This step forced the pace, in a fashion most unwelcome to an opportunist like Monk, whose chief ally was time. He promptly wrote to Morice, urging him to use his influence in persuading the petitioners to remain loyal to the *status quo*. In this letter from Harborow, written 23 January 1659/60, during the critical days of his march to London, he also invited his kinsman 'to doe mee both the honour and favoure as to meete mee att London, where more freedome may be used then can well with conveniency bee exprest by Letter'.²³

¹⁷ Letter 2.¹⁸ Letter 15.¹⁹ Skinner, *Life of Monk*, p. 98.²⁰ Price, p. 19.²¹ *Ibid.*, p. 72.²² 13 January 1659/60; Guizot, *Richard Cromwell*, ii. 85.²³ Clarendon MSS., lxix. 3.

On the readmission of the secluded members on 21 February, Monk dispatched another invitation to Morice, this time at the suggestion of his brother Nicholas, who knowing Morice

to be a Prudent Person, and well disposed for this Prince's Service and the good of his Country, writ to Clarges, to put the General in mind of sending for him, that being near him, he might be assistant to him in his Counsels. To this the General was easily persuaded, having a good Opinion of his Abilities and Worth.²⁴

Monk was peculiarly in need of a confidant; both the military republicans and the parliamentary oligarchs watched him with suspicion, and dogged his footsteps with emissaries, who were spies in all but name.²⁵ His friends were hardly less dangerous; he must often have feared that his wife's royalism would bring him into difficulty, while the indiscretions of his chaplain, John Price, drew down the rebuke, 'I can be undone by none but you and my wife'.²⁶ Hence he turned with relief to the prudence and integrity of Morice, on whose arrival in London he retained him 'as a domestick Friend in his Quarters at St. James'.²⁷ Morice's activities were now manifold. As Monk's 'Elbow Counsellor and State Blind',²⁸ it was his business 'to keep the expiring Session of Parliament steady and clear from intermeddling with the change of the government, in which cause he did excellent Service';²⁹ and nightly he acquainted the general with the temper of the house.³⁰ In the army debates, his recent appointment as governor of Plymouth gave Morice an unwelcome seat, for having 'spent his time in the Silence of his Books and Studies, it rendered him uneasy in the Company of such rude and clamorous Conventions'.³¹ But if he found the work uncongenial, he performed it satisfactorily, for 'there were frequent Meetings of Officers, and one of so good Judgment and Elocution as he could not but persuade much'.³²

By the royalists, the intimacy between Monk and Morice was watched with a sense of relief. Monk was an enigma; his words and actions were so contradictory, his reserve so impenetrable, that men like Hyde and Mordaunt had to admit themselves baffled. 'He is a black Monk, and I cannot see through him,' wrote Mordaunt to the king,³³ and Broderick in a letter to Hyde on 13 January expressed the same opinion: 'Monk's designs are so unknown, it is vanity to guess at them.'³⁴ Monk delighted in his perversity; to lull the suspicions of the republicans he would violently assert that 'he would spend the last drop of his blood

²⁴ Baker's *Chronicle*, ed. 1674. p. 712.

²⁵ Price, p. 86.

²⁶ *Ibid.*, p. 54.

²⁷ Skinner, *Life of Monk*, p. 246.

²⁸ Price, p. 49.

²⁹ *Ibid.*, p. 131.

³⁰ Skinner, p. 262.

³¹ *Ibid.*, p. 255.

³² Baker, p. 716.

³³ 16 January; *Clarendon State Papers*, iii. 651.

³⁴ *Ibid.*, p. 645.

rather than the Stuarts should ever come into England',³⁵ while at the same time he skilfully secured that the engagement to be faithful to a commonwealth should be expunged from the records of the house.³⁶ In their perplexity, the royalists reflected with relief on the sympathies of Morice with their cause, and it is not surprising if they attributed to his influence the subsequent actions of Monk. In a letter to the king dated 9 March 1660, Lady Mordaunt expressed the general opinion of the royalist party :

This Mr. Morris will be doubtlesse found Monck's greatest confident and will most certainly be very instrumental in Your restoration, having all ready imbosomed himself to one of the Trust, and engaged to persue the directions of your Majestys Commissioners.³⁷

Monk's long dissimulation was nearing its end ; men like Prynne and Whitelocke, with varying emotions, saw the Restoration approaching, and the republicans made a last and futile attempt to prevent it, by offering the sovereignty to Monk. To one who had seen the difficulties of Cromwell the offer presented no attractions, and Monk refused it unhesitatingly.

No longer could the parliament resist the will of the nation, and on 17 March it dissolved itself by its own act, after issuing writs for the meeting of a new house on 25 April. Two days later Monk at last agreed to yield to the persistence of Sir John Grenville, and granted him a private audience. This concession had only been won through the intercession of Morice, and when Monk and Grenville met, it was at night,³⁸ in Morice's room, and with him to guard the door.³⁹ In that historic interview, Monk at last received the king's letter and consented to open up negotiations with him.

I hope, he said, the King will forgive what is past, both in my words and Actions, for my heart was ever faithful to him, but I was never in a condition to do him service till this present time.⁴⁰

Nor was this all. Through Morice, Monk gave verbal instructions to Grenville, and it was on the basis of these that the declaration of Breda was framed.⁴¹

Morice's share in the negotiations did not pass unnoticed, and a royal letter of thanks was dispatched to him on 27 March, through the hands of Lord Mordaunt.⁴² In his letter the king

³⁵ Barwick to the king, 10 March 1659 ; *ibid.*, p. 697.

³⁶ Guizot, *Richard Cromwell*, ii. 159. ³⁷ Clarendon MSS., lxx. 118.

³⁸ Baker, p. 717. ³⁹ Price, p. 135. ⁴⁰ *Ibid.*, p. 137.

⁴¹ Clarendon, bk. xvi. 166, 171.

⁴² Clarendon MSS., lxx. 186 ; *Thurloe State Papers*, vii. 858. A copy of the letter is found among the family letters preserved at Prideaux Place, Padstow, where, together with the forty-three letters of Morice to Edmund Prideaux, are the transcripts

commented on Morice's 'more than ordinary affection' to promote his service, and assured him it would not pass unrewarded. The reward came quickly; for at the request of Sir John Grenville⁴³ the king empowered Monk to 'bestow the office of one of the Secretaries of State upon Mr. Morrice, who was as well qualified for it as any man who had not been versed in the knowledge of foreign affairs'. In a second letter to Morice on 6 April,⁴⁴ the king repeated his thanks for 'the many obligations I have to you, and the great power you have to do me service and your greate partes which you have manifested in severall occasions', and assured him of his continued favour. Morice's letter to the king accepting the seals of office is still extant among the Clarendon MSS.,⁴⁵ and displays a strange mixture of the deference of the new minister and the plain speech of the puritan. It runs as follows:

Most excellent maiesty.

Since my laste I have received from you by the handes of your General (for so now your maiesty hath made him) the earnest of so greate an honor as casts me under the more astonishment by how much it was beyonde my expectation. I doe in all truth and humility confesse, that I am altogether unworthy of so greate a truste, and doe suspect my selfe to be no lesse incompetent to discharge the duty, but as I shall not wish to live one day after I shalbe found unfaithful to your maiesty, so I shall not desire to be continued in any employment, which I shall appeare to be uncapable of, having too greate an affection to your maiesty and your service as to seeke any advantage to myselfe to the preiudice of them. I am assured that your very faithful servant Sr John Grenvile hath already given your maiesty an account of the delivery of all your letters and how thinges have rather falne out then beene carried on, by so wonderful a providence inclining heartes and disposing events, and one successe leading on and linked with another in such manner as if God would render

of seven letters from the originals in the Morice library at Werrington. These copies were made in 1716, by a later Edmund Prideaux, and each is endorsed to that effect. They are three letters from Charles II to William Morice dated 27 March, 6 April, and 20 May 1660; one from Hyde to Sir John Grenville, dated from Breda, 23 April 1660; another from the same writer to Morice, 27 May 1660; an undated letter from Ormonde to Morice; and lastly one from Lord Mordaunt to Morice, dated Lisbon, 6 April, and written apparently in 1661. Of these all except the last two are printed in the *Thurloe State Papers*, vol. vii, while a copy of the first may also be found among the Clarendon MSS., lxx. 188, in the Bodleian. Where the originals are preserved is unknown. In the *Thurloe State Papers* they are stated to be in the possession of 'Hugh Gregor, Esq.' According to Hals, the Gregor family, which owned the manor of Trewarthenike in the parish of Cornelly, became connected with the house of Prideaux by the marriage of Francis Gregor, sheriff under Charles II (1669), with one of the coheirs of Prideaux of Gurlyn. It is clear that in 1716 the original letters were in the library of Sir Nicholas Morice at Werrington, for the transcripts are all endorsed by Edmund Prideaux to that effect; but at what date they passed into the possession of the Gregor family I have been unable to ascertain.

⁴³ Clarendon, bk. xvi. 180.

⁴⁴ *Thurloe State Papers*, vii. 858; manuscript copy at Prideaux Place (see note 42).

⁴⁵ Clarendon MSS., lxxii. 222.

it conspicuous that his immediate hande had donne the worke beyond the power of the meanes used for effectinge thereof. With great unammity things passed in the parliament, was manifest in that none of the votes had the least contradiction of any one person and with what reioycinge they were entertained by the people, was evident by their acclamations and triumphs. God hath already given you livery of the heartes of your people before you have taken actual possession of your dominions, which will not longer be deferred then until things may be prepared for your reception. God hath done greate things for you, and we cannot doubt but he will by you doe great things for your kingdome, and to that ende hath so miraculously preserved your person amidst so many dangers, confirmed you in the truth of religeon, notwithstandinge so greate temptations of friendes and enimes, and restored you to your iust rights maugre the subtilty and power of your mutinous opposites.

The confidence the nations have in you layes a stronger obligation on your maiestye then by any conditions they could have donne, and infinitely greater then the parliament is like to doe, who seeke their cheifest security in your maiestyes iustice and goodnesse.

I assure you they can truste you rather then the houses and however those looking towards the risinge sunne may be biassed by selfe endes or interests and make variation from that poynte which they ought to respecte, yet they hope your maiesty wilbe immoveably fixt in a resolution to performe what you have by your letters offered, and grante all other things which shalbe iust and necessary for your honor and safety and the peace and happinesse of the kingdome, and if your maiesty shall by a seconde letter let the parliament knowe that as it hath beene your offer to assente to such things, so it is your desire that the parliament should propounde them to you ; it will bringe you hither by a conquest of heartes as well as by the right of inheritance, and make your empire more safe by beinge lesse absolute. Though the ill humors in the army and nation have beene hindred from gatheringe into a greate heade, and breakinge out into a disease, yet they are not purged out, and any violent motion or distemper may irritate them againe, and neither you nor the nation can take any perfect contentment in the peace and settlement thereof if it be diminished by feare of change or disturbance.

Havinge no cypher I am enforced to refer som thinges to be represented to your maiesty by Sir John Grenvile which I could not truste with common characters, and I beleive your maiestyes experience of his fidelity may well frustrate my humble request that your maiesty will give him credence. For myselfe I shall humbly begge your pardon of my boldnesse and though I wante wordes to expresse my thankfulness yet I can better make knowne my hearte to you in those praieres which are dayly offered up for your maiesty by

Your Sacred Maiestyes most loyal subiect and most humble and faithful servant.

WILL. MORICE.⁴⁶

May 5.

60.

⁴⁶ The letter is endorsed by Morice: 'For the sacred maiesty of Kinge Charles my gracious soveraigne.'

That the king did not resent Morice's plain speech, though it may have amused him, is evident in his reply dated 20 May, for in this he reassures his new secretary 'I find cause enough to reioyce . . . in the choice I have made of you for so neer a trust which I am sure you will discharge with full ability's as well as fidelity to me'.⁴⁷

Morice's misgivings for the future were no conventional expressions, for in his letter to Edmund Prideaux on 17 May he writes :

I distrust myself to be able to bear up at courte, yet I will fall for nothinge of dishonesty and so true to that interest which I have espoused as a true Englishman and subject of England, and I can never much feare to loose what I never had great desire to obtaine.⁴⁸

Morice's appointment as secretary was not formally ratified until the king's return. In the interval, the new parliament was elected and Morice, as we have seen, took his seat for Plymouth, where his position as governor and his property at Stoke Damerel gave him a powerful position.⁴⁹ Everywhere the elections had turned in the king's favour. 'Northamptonshire hath resolved to chuse none of the long Parliament,' wrote Morice to Prideaux,⁵⁰ and this case is typical of many. The parliament met on 25 April, but the delivery of the king's letters by Sir John Grenville was deferred until 1 May, to allow of the attendance of Morice, whose double election return caused delay in his presenting his writ.

On 1 May the king's letters were read to a crowded and enthusiastic house. On their conclusion Morice rose to his feet and 'in a very eloquent oration'⁵¹ spoke for the king's restoration, proposing a letter of acknowledgement and a grant of money, both suggestions being adopted *nemine contradicente*. In the subsequent debates in the house, he was careful that no faulty wording of the various proclamations should imply that the king's reign began with his restoration,⁵² and the same prudence led him to decline the invitation of the house to wait upon the king. With true public spirit he decided 'contrary to his inclinations . . . to carry on his Maiesties service here, least the same should be neglected or prejudiced'.⁵³ The Journals of the House of Commons⁵⁴ show Morice busy on numerous committees for

⁴⁷ Printed in *Thurloe State Papers*, iii. 912, and *Biographia Britannica*, iv. 2333. There is a manuscript copy of it at Prideaux Place (see note 42).

⁴⁸ Morice Letters, no. 2.

⁴⁹ Otho Peter, *The Manor of Werrington*, p. 9.

⁵⁰ 5 April 1660, Morice Letters, no. 1. See below, Appendix I.

⁵¹ Sir John Grenville to the king, 2 May 1660; Clarendon MSS., lxxii. 140.

⁵² Grenville to Hyde, 4 May 1660

⁵³ *Ibid.*, p. 175.

⁵⁴ vii. 11, 26.

the king's reception, while behind the scenes he was no less active in removing misunderstandings between Monk and Hyde.⁵⁵ At last all was completed, and on 17 May Morice could write to his brother-in-law at Padstow :

I am to-morrow setting forth to waite upon the Kinge, who will arrive hither towarde the ende of the week, and be received with more grandor and celebrity than ever any king of England was.⁵⁶

By the king's special request Morice accompanied Monk to Dover,⁵⁷ and at Canterbury he received the honour of knighthood and was sworn secretary of state.⁵⁸

In the eyes of the royalists, Morice's promotion was well earned, for they attributed to his influence Monk's change of front. According to a sentence inserted in Burnet's *Own Time*,⁵⁹ Morice was 'the person that had chiefly prevailed with Monk to declare for the king; upon that he was made secretary of state'. In like manner Clarendon, in his letter of 27 May, shows himself anxious to make his acquaintance and win his friendship,⁶⁰ and in his *History* he implies that it was after consultation with Morice that Monk decided 'to advance what he clearly saw he should not be able to hinder'.⁶¹ Price, on the other hand, dated Monk's decision to restore the king from his brother's visit at Dalkeith in August 1659. 'Thus I found', he writes, 'that the General stood engaged and from this Time I do date, that his Resolutions were fixed for the King's Restoration.'⁶² The truth lies probably between the two views. It is extremely doubtful whether Morice was much more than the valued friend and trusted agent of the general, and it is almost certain that he played no part in determining Monk's actions in the critical months of the autumn of 1659. It was natural that the royalists, when baffled by Monk's perversities, should ascribe his change of front to the influence of Morice,⁶³ whose opinions they knew were friendly; but it is more probable that Monk's decision was already made when he summoned Morice to London.

Morice's services are not, however, to be underrated; he certainly smoothed away obstacles and so hastened the Restoration, and it is possible that he strengthened Monk's resolution. In any case, he proved himself a trustworthy servant, possessed of tact and prudence, and with a skill in drafting a document invaluable to an unscholarly soldier like Monk. His reward came

⁵⁵ Broderick to Hyde, 3 May; Clarendon MSS., lxxii. 157.

⁵⁶ Morice Letters, no. 2. See Appendix II.

⁵⁷ Letter of the king to Monk, 27 May 1660; Clarendon MSS., lxxii. 408.

⁵⁸ Clarendon, bk. xvi. 245.

⁵⁹ i. i. 179.

⁶⁰ *Thurloe State Papers*, vii. 913.

⁶¹ Bk. xvi. 164.

⁶² Price, p. 19.

⁶³ See Ormond's letter to Morice, below, Appendix III.

quickly, but he soon found the burdens of office outweighed its delights, and in 1661 he wrote to his brother-in-law :

Though God hath called me beyond my expectation as wel as merit to a place of much honor & no little profit, yet contentment (the maine routes whereof are liberty & leasure) is a flower that springs not out of this grounde.⁶⁴

MARY COATE.

APPENDIX

LETTERS FROM THE COLLECTION AT PRIDEAUX PLACE, PADSTOW

I. *Sir William Morice to Edmund Prideaux*

Brother.

Though I am under the incumbency of much busines heere, yet it springs more from importunity of som in the country then any things that I manage heere. God hath given me great favour in the eyes of the Generall, very many even unrelated would have me use it to advance their private interests did not modesty as wel as prudence prompt me, that the lesse I use my power, the more I shall have and by frequent interpositions I shall grow lesse able to prevaile⁶⁵ when I shall need to intercede in the concernments of my friends, yet as I cannot forget my respecte to you through any incumbence of busines, so I shall not fail to engage all my powers in any of your services. the Vice admirals places were conferde before my comminge to London, and my lord told me (since I received yours) that St. Aubyn had one coast and Rows the other. I had interposed for you as for whom I had more kindnes though enough for our common friende. newes is now at a lowe ebb things beinge in a quiet position & notwithstanding several alarms like to continue so. Lambert uppon som iealousies is made a close prisoner in the tower and none but his wife and children to have accesse to him. Massy was sollicitinge at Gloucester to be elected there to serve in Parliament & there was seised uppon by som souldiers & sent up to London, never the lesse it is thought he wilbe chosen at Leycester. 200 gentlemen came into the town protestinge if they chose Haselrig they would never spend more mony there nor hold session & other meetings yet M^r Waller hath put him in at Whitchurch (together with Henry Nevil). Northamptonshire hath resolved to chuse none of the long Parliament. I hope you will finde a place from one towne or others.

The city hath subscribed 600^l for raising a statue of brasse of my lorde on horseback at the Exchange. Give service my sister and cosens from

Your affectionate brother and servant

WILL. MORICE.

April 5. 1660.

your militia wilbe appruved
ours in Devon iust passe muster.

Endorsed. For my Dearly Honoured brother Edmund Prideaux Esq̄ at Padstow Cornwall by Plymouth post.

⁶⁴ 31 December 1661 ; Morice Letters, no. 19.

⁶⁵ The word is illegible in the manuscript, the sense of the passage suggests 'prevail'.

II. *William Morice to Edmund Prideaux*

Brother

though indeed my incumbrances are many yet it can never be accounted among distractions to reade your commands or receave notice of your welfare. you may as safely as ever acte in the militia though I believe your powers will not be long lived but that motion wilbe shortly made and carried on upon the olde hinges. I am to morrow setting forth to waite upon the Kinge who will arrive hither toward the ende of the weeke & be received with more grandor & celebrity than ever any Kinge of England was, though my fortunes (god knowes & the event only can tell whether I may call them good) are not only above my merit but beyonde my expectation & not only unsought for but unthought of, the former the Kinge can witnesse and the later god knowes yet I shall never resign them if they give me any advantage whereby to serve my friends, for whom my affections will leade me to doe all good offices as farre as my opportunities will reach & my modesty permit.

I distrust myself to be able to bear up at Courte yet I will fall for nothinge of dishonesty & so true to that interest which I have espoused as a true Englishman & subiect of England & I can never much feare to loose what I never had greate desire to obtaine. his maicesty by several letters professteth to have much kindnes for me & confidence in me & hath witnessed it longe since (though I concealed it) in such a way as I am altogether unworthy of who am lesse than the least of the Kings favours & infinitely more of the least of gods mercyes. give my service to my good sister sweete cosen Addy and my other cosens, I reioice in no title more then of

Your brother and affectionate friend to serve you

Whitehall.

WILL. MORICE.

May 17. 1660.

III. *The Duke of Ormonde to William Morice*

Sr.

It is by Sir John Grenvilles encouragement that I not only write to you but take the freedome to put a leter directed from me to the Lord General into your hands to bee delivered to him & the subject of it improved by that interest you have in him & the friendship Sr John makes mee hope you will have for me. I mingle nothing of Publique concernment (unless the good intelligence I aime at be so called) with what seems to be my own, because you will have that at large from other & better hands & because I hope it will not bee long before I have the happinesse to see a person that hath had so great & good a part to procure as the blessings that is so near us, if God please to continue the favour of his countenance to us, I shall then in lesse haste and more order endeavour to assure you of being Sir

Your most affectionate & very humble servant.

ORMONDE.⁶⁶

⁶⁶ Note at foot, in hand of Edmund Prideaux, 'Copied from original in library of S^r Nicholas Morice at Werrington in the summer, 1716'. See above, note 42.

A Letter on the State of Ireland in 1797

THE following letter was found among the papers of Dr. James McHenry, who was secretary of war in the cabinets of Washington and John Adams. McHenry was born at Ballymena, county Antrim, and went to America a few years before the outbreak of the American revolution, in which he served as surgeon of a Pennsylvania regiment and as aide-de-camp to Washington. The letter, which bears no name, was not addressed to McHenry, for his only brother came to America shortly after him. The author is not hard to identify. He writes from Cork as if that place was his residence, and he speaks of having gone 'to Dublin, to attend a board of trustees of our new R. C. Colledge'. Now Dr. Moylan, bishop of Cork, was the only trustee of Maynooth from Cork, and the tone of the letter is in complete agreement with the bishop's known opinions.¹ For the state of affairs in Ireland at the time, reference may be made to Lecky's *History of Ireland in the Eighteenth Century*, vols. iii, iv (ed. 1903). In the following, the punctuation of the original has not been preserved.

BERNARD C. STEINER.

Cork, April 30th, 1797.

You have, my dear brother, weathered out an awful revolutionary storm, and now enjoy calm & tranquility, I fear we are getting into one, God knows what may be the consequence. The extraordinary Revolution in France, which has convulsed the moral & political state of Europe, begins to operate strongly on the British empire—the immense expence of the present war, render'd far, tis said, more expensive by the injudicious manner in which it was plan'd & pursued, begins to weigh heavy on the people and to dispose them for some awful change.

This poor and long oppressed kingdom so rapidly of late advancing towards a state of great prosperity by the repeal of some of the penal laws, which chain'd down the spirits & industry of the great body of the people, now offers to the reflecting mind a prospect dismal & gloomy: the north is all in a flame, and the spirit of disaffection which prevails there is widely spreading; there is too much reason to apprehend that it will soon pervade the whole kingdom. The unwise conduct of our Irish administration, under the immediate influence & direction of the English minister, has greatly contributed to rouse up the spirit of disaffection & sedition: instead of attending to the circumstances of the times, and to the temper of the northern people, all which required at the present juncture soothing & lenient measures, coercive ones were only resorted to, and adopted, & on the most unconstitutional principles were vigorously pursued. These vigors, far from answering the end proposed, only served to sour more & more [the] minds of that people

¹ See Bishop John Healy's *Centenary History of Maynooth College* (1895), pp. 119, 247.

& to fix deep resentment in their independent spirit. In this disaffection & disturb'd state of the north, common sense & sound policy would suggest the expediency of attaching the R. C. body to the interests of government. The administration on the contrary declared themselves entirely hostile to them, as the partial repeal of the penal laws [was] obtained thro' the interference of his Majesty against their wishes; they have exerted the whole extent of their power & influence to counteract the gracious views of our Sovereign & prevent as far as they possibly could that long oppressed & loyal portion of [his] subjects from benefiting by the indulgence granted to them. They encouraged underhand, as it now appears, an armed Banditti in the county of Armagh, who called themselves Orange boys & ascendancy protestants, to rise up, to plunder and destroy the houses and property of their poor industrious R. C. neighbors, to massacre & hunt them down like wild beasts & force them to emigrate to other provinces. These poor oppress'd people, instead of being protected by government, were entirely abandon'd by them, and when they attempted to defend themselves they were seized on as seditious culprits, several of them hang'd, many more of them hurry'd off from their wives & children and without any form of law or legal trial sent on board the navy.² The United Irishmen of the north, seeing the Machievellian system pursued by administration of dividing the people by religious feuds in order to enslave the nation, declared in their favor, and as far as circumstances allowed opposed the measures of government, which drew its resentment upon themselves; no notice was taken of the outrages by the Orange boys—their conduct was on the contrary sanctioned by the magistrates under the direction of government. Lord Gosport³ indeed & a few gentlemen of Armagh who were witnesses to the enormities committed by them against their innocent neighbors, cry'd out against their wicked proceedings, but their cries were not attended to.⁴ Mr. Grattan & other patriotic members brought [the] grievances of the suffering Catholic[s] & the outrages of the protestant ascendancy party before parliament,⁵ but they were not heard. The conduct of the magistrates who encouraged the outrages was openly reprobated in the house, but the enquiry that was moved for was hushed by administration, and no punishment inflicted on the offending parties. Judge the state of the public mind in these circumstances.

Such was the state of affairs, when the French in the month of December last came on our coast, with the intention of invading this kingdom: had not the Lord most providentially interfered, they must have succeeded. England left us without the least protection by its fleets, and all the force that could possibly be mustered could make no adequate resistance; indeed we have neither troops, nor generals, nor arms, nor ammunition, nor any preparation whatever that could prevent the 25,000 Frenchmen, so well appointed as they were, from being masters of the kingdom. The R. Catholics—the great bulk of the people of the province—displayed at the critical juncture exertions of unexampled loyalty &

² Cf. Lecky, iii. 425–39; iv. 14.

³ Lord Gosford.

⁴ *Ibid.* iii. 430.

⁵ October to November 1796. See *ibid.* iii. 459 ff.

patriotism.⁶ They forgot all their grievances, to stand forth in defence of their country, & by their zeal in the service of their king & country, gave the lie to the misrepresentations made by the ruling junto of this kingdom to the English cabinet of them; indeed their conduct on the occasion was so particularly loyal, that the administration, tho' hostile to them, could not but make honorable mention of them in their dispatches to England. Here was the favorable moment to unite the whole nation, and to attach invariably the hearts of the R. C. to the interests of his majesty's government, by placing them, as they well deserved, on the same footing with their fellow subjects. It was a measure generally expected even by the supporter[s] of the protestant ascendancy; all minds were prepared for that long wished for event; and when Mr. Pelham, our Irish secretary, went over to London, it was supposed that our emancipation was one of the first objects of his mission, and that he would return with the olive branch in hand. I went up at that time to Dublin, to attend a board of trustees of our new R. C. Colledge, of which I have been by parliament appointed a member. Then I was assured, by what I had reason to believe high authority, that all penal restraints on the Catholics were to be entirely done away; thus were we fed with pleasing hopes, until a week before Mr. Pelham had left London to return the pleasing prospect began to change. A few days after the secretary's arrival, I had the honor of a private interview with the Lord Lieutenant in his cabinet at his particular desire. I took that opportunity of laying before his Excellency the expediency of government taking up the emancipation of the R. C. body as a wise & for the peace of the country a necessary measure. I gave such reasons as appeared to me, and to such as I afterwards communicated them, weighty & at the present juncture unanswerable. He listened with great attention, but gave no answer. A few days after a memorial, one of the best I ever read, was presented to him by the R. C. noblemen and gentlemen of property to the same purpose. The respectability of the memorialists, their tried loyalty & attachment to government, & the powerfull argument made use of greatly embarrassed the Lord Lieutenant; the objections he made were so futile & weak, and so ably answered, that he at last declared great uneasiness at the situation of the country, & in particular, that he could not *consistently* countenance the petition of the memorial; he was sent over on the recall of Lord Fitzwilliam, with positive directions from Mr. Pitt, who supports the illiberal junto here, to oppose every measure in favor of the R. C. & to rouse up an opposition in the minds of the protestants under the pretext of supporting protestant ascendancy.

On his Excellency's negative to the memorial, the R. C. noblemen and gentlemen thought it incumbent to them, for the good of the country as well as their own advantage, to send a memorial to the king: the Lord Lieutenant transmitted it to the duke of Portland, as he had promis'd; but before it reached London, a cabinet council was held there wherein it was decided 'That nothing should be done with their support, for the R. C. during the present wars'.⁷ This impolitic declaration operated as was foreseen and as I previously intimated to the Lord Lieutenant would

⁶ Cf. *ibid.* iii. 541-3.

⁷ Cf. Locky, iv. 28.

be the case ; it changed the minds of our people & prepared them for adopting the sentiments of the people of the north. The disaffection is rapidly spreading : God only knows what will be the consequence. Coercive measures are those still pursued against the north. I don't think the system can hold ; an explosion will, I fear, be the consequence. Indeed there is reason to think that the sun of glory & power of the British empire is rapidly setting : the spirit of disaffection is gaining fast in England & Scotland ; & what is still a more dangerous symptom, that spirit has got into the navy ; and if the accounts lately received of the emperor's being forced to make a separate peace with France be true ⁸ the prospect for the whole of his Majesty's empire is dismal indeed, for with a coast extended from the Baltic to the Mediterranean (Portugal excepted, and which must necessarily if the war continues be forced to declare against England) and with such resources as the enemy must acquire by the accession of territory, it will I think be impossible for England with the enormous weight of the national debt to withstand for any time the collected force of that spirited & enterprizing nation. Nothing can save these kingdoms but a total change in ministers & measures, and I fear even the change will come too late to quiet the minds of the people. Never was there, this century past, a more awful crisis than the present state of affairs, and may God preserve us from the horrors of anarchy & civil dissentions. . . .

⁸ The preliminaries of Leoben, 18 April 1797.

Reviews of Books

Essays on the Early History of the Church and the Ministry. By Various Writers. Edited by H. B. SWETE, D.D. (London: Macmillan, 1918.)

THIS important book owes its origin to a challenge from the pulpit. Canon Wilson, preaching before the university of Cambridge (in a sermon afterwards incorporated in his book on *The Origin and Aim of the Acts*), appealed for an historical investigation of the warrant, in the earliest Christian times, for the exclusive claims of the episcopal churches; for a re-examination of the subject of the apostolical succession and of its bearing on 'the grace and powers conferred in Ordination and Consecration'. He also asked whether in early times the forms of ordination and consecration did not 'lay more stress on the pastoral and teaching work of the ministry, and on the continuity of doctrine, and less on its sacramental functions and powers than we now do'. Dr. Wilson also suggested that the patristic investigations stimulated by the Tractarian Movement call for an inquiry into the conditions of a still earlier Christian age which should answer the question 'when the separation grew up between the conditions for what is called a valid Baptism and those for a valid Eucharist, and the limitation of the latter to men episcopally ordained'. To cut the story short, the Archbishop of Canterbury suggested to the late Dr. Swete that an investigation of the kind should be made and the result put forth in as precise a form as possible. Dr. Swete succeeded in collecting a band of workers whose 'essays as a whole may be taken to represent the present state of historical knowledge'. Such is Dr. Swete's claim for the work, which passed under his eye before his death. The distinction of the writers, ranging from membership of the British Academy to doctorates of many universities, including both Louvain and Geneva, is some guarantee for the confidence expressed by the editor. But this confidence is greatly strengthened by detailed examination of the work itself.

There are six essayists, of whom Dr. Mason and the Dean of Wells deal with the respective conceptions of the church and of the ministry in the apostolic and the post-apostolic age. Mr. C. H. Turner contributes an essay of the utmost importance on apostolic succession as originally conceived and on the problem of orders conferred in heresy or schism. Archbishop Bernard draws out the Cyprianic doctrine of the ministry. Dr. Frere unravels early forms of ordination; while, last but not least, Dr. Brightman examines the witness of the earliest times as to terms of communion and the ministration of the sacraments. It is obvious that, although the challenge which has drawn forth the book and the aim of its writers is

directed to elicit the disinterested verdict of history pure and simple, the region marked out for exploration is thickly strewn with at any rate the relics of ' battles long ago '. The white light of history is at every step in risk of suffusion from the many-coloured glass of ecclesiastical controversy. But it must be fairly allowed that the writers neither artfully conceal an ecclesiastical *parti pris*, nor on the other hand obtrude on the reader the advocacy of their special views. Each writer aims at reaching and stating the facts, and generally speaking this aim has been successfully attained.

The subjects discussed have, within living memory, received much attention. Perhaps we may take as a landmark Bishop Lightfoot's essay on the Christian ministry, first published with his commentary on Philippians in 1868. In that essay Bishop Lightfoot stated certain broad conclusions. Since that time there have appeared Hatch's *Bampton Lectures* and discussions stimulated by them both in England and abroad; then the discovery of the *Didache* or ' Teaching of the 12 Apostles ' ; and from time to time various items in the group of documents associated with the Church Orders, the Canons of Hippolytus, the eighth book of the Apostolic Constitutions and the Testament of the Lord, as well as the Sacramentary of Bishop Serapion containing some obviously archaic forms for ordination. All this, to say nothing of other discoveries and discussions, has thrown light from various quarters on the subjects to which this volume is devoted. And it may be convenient to the readers of this Review to indicate the extent to which the researches of the writers have tended to confirm or modify the main positions of Bishop Lightfoot. The latter may be grouped under two heads: the origin of the episcopate and the priestly function of the Christian ministry. The following extracts give Bishop Lightfoot's view of the episcopate. The page references are to *The Christian Ministry* (Macmillan, 1901).

The Episcopate was formed not out of the Apostolic order by localisation but out of the presbyteral by elevation; and the title, which was originally common to all, came at length to be appropriated to the chief among them (page 25).

During the last 3 decades of the 1st century, and consequently during the lifetime of the latest surviving Apostle, this change must have been brought about (page 31).

It appears mistaken to maintain that at the close of the 1st and at the beginning of the 2nd century the organisation of all churches alike had arrived at the same stage of development and exhibited the episcopate in an equally perfect form (page 39).

Even Irenaeus seems to be wholly ignorant that the word Bishop had passed from a lower to a higher value since the Apostolic times (page 72).

We may perhaps adopt with regard to this general conception the verdict of Dean Robinson in his essay (p. 90): ' Subsequent research or discovery has left his position as strong as ever. New theories have since been offered to us: we can hardly say that new facts have come to light which require that his interpretation should be modified.' But, while this general verdict of Dean Robinson is justified, there are many details as to which Bishop Lightfoot's statements may require modification, especially as regards the difficult subject of the relation between the bishop and the presbyterate. The bishop at first was in each local church one of many bishops or presbyters. His duties and powers vary locally from the marked

monarchical relation assigned to him in Ignatius (A. D. 107) to that of foreign correspondent of his church, embodied in the impersonal letter of Clement of Rome (A. D. 95) and ascribed to him by Hermas some years later.

But it is too simple an account of the matter to say with Lightfoot that the episcopate arose out of the presbyterate 'by elevation'. From the first the local bishop appears to have been in all cases the permanent, not the annual or occasional, head of the college. And as in course of time he rises to a uniform headship for all purposes, whether administrative or sacramental, the presbyterate, strange as it may seem at first sight, is not disproportionately depressed in rank, but gains in importance *pari passu* with the bishop. This was doubtless due mainly to the multiplication of believers, so that the congregation outgrew the limits of their one place of worship and the power of one bishop, even with the aid of his presbyters, to be the direct shepherd of all the souls committed to his care. Separate congregations under the one bishop were formed and organized each with its several Eucharist and its several presbyters and deacons. And this meant the delegation to presbyters of functions hitherto kept entirely in the bishop's hands. Beginning as the exclusive minister of all sacraments and sacramental rites the bishop finally emerges as the exclusive minister of only one, namely that of ordination. I would observe in passing that the last lingering exception to this latter rule, that of the power of the twelve presbyters of Alexandria to consecrate their own bishop, appears to be somewhat too brusquely swept away (p. 402). The presbyters in question were the last representatives of the old identification of presbyter and episcopus. Egypt had originally no bishops except the bishop of Alexandria; but with the spread of the church in the third century, bishops multiplied, and the old episcopal privilege of this college of presbyters died down. There is no need to assume a 'revolution' here or elsewhere.

This brings us to another important detail in which Bishop Lightfoot's conclusions require modification. It will be remembered that he singles out Cyprian as the author of a marked rise in the pretensions, both of the bishop as diocesan monarch, and of the presbyters in regard to priestly power. The Archbishop of Dublin, in his scholar-like essay in this volume, furnishes, I venture to think, a correction of this view. Cyprian's career as a Christian was one of barely twelve years, of which his episcopate occupied about ten. He brought to his new faith and to his new duties the orderly mind of a lawyer, in which he had Tertullian as his predecessor. We accordingly look for and find in him a logical sorting of ideas. But he was not likely to make any conscious innovation, and it seems an exaggeration to say with the bishop that 'if Tertullian and Origen are still hovering on the border [of sacerdotalism] Cyprian has boldly transferred himself into the new domain'. It cannot be overlooked that, while Tertullian had applied the word *sacerdos* freely to the Christian presbyter, Cyprian does so only in one passage, reserving the word elsewhere uniformly for the bishops. Nor, if we read Cyprian under the impartial guidance of Archbishop Bernard, shall we be disposed to view him by any means as a sacerdotal innovator.

This brings us to the second head under which we should like to measure the results of Bishop Lightfoot's essays with those of the present volume,

namely, the priestly function of the Christian ministry as conceived in the earliest times. But unfortunately this range of inquiry borders so closely on matters of ecclesiastical controversy that it cannot be adequately taken in hand without a careful investigation and definition of terms which would outrun the scope of this notice. We must therefore be content with indicating the question at issue and referring the reader to the volume before us for further light. Bishop Lightfoot maintained that sacerdotal functions (in the sense of offering sacrifice) were foreign to the mind of the apostolic and post-apostolic age. Before this contention can be affirmed or contradicted it is necessary to go somewhat thoroughly into the meaning of the sacrificial language used by our early writers, especially with reference to the holy Eucharist. But waiving that inquiry it may be said that the question is to some extent one of proportion; and we may so far agree with Bishop Lightfoot, that the sacrificial functions hinted at in the early formulae for the consecration of bishops are remarkably absent from those for the ordination of priests. It is axiomatic in early church literature that the whole church is a priestly body, that the duty of the bishop is to preside at all gatherings of the church for any purpose, and especially at the great eucharistic gathering. In so far as the church then exercises its priestly character the president may be said to act as priest. If we agree with Augustine, who later on sums up the nature of the action in the memorable words (echoed by his contemporary Chrysostom) *peracti Sacrificii agimus memoriam*, then we have the foundation laid, not for sacerdotalism, but for a doctrine of Christian priesthood closely on the lines along which early Christian thought seems to have developed. It was in the first instance evidently the exception for a presbyter, other than the bishop, to be entrusted with the celebration of the mysteries, and for a long time there must have been many presbyters who rarely if ever were called upon to consecrate the Eucharist. But by degrees circumstances altered and ideas became modified, so that every presbyter came to regard the eucharistic celebration as the main and distinctive duty of his priestly life. But this development carries us very far indeed beyond the chronological limits of the volume before us.

In this review I have endeavoured, not to do full justice to the learning and labour which will make this work for many years to come an indispensable book of reference, but merely to indicate the importance and interest of many of the questions discussed in it. Where all is so good, it may still not be invidious to draw special attention to the important and original essay of Mr. C. H. Turner. Like the other essayists he reaches conclusions on conservative lines, but like his fellow workers his moderation of statement and solid learning lay not only the public but scholars under a deep and lasting obligation.

A. ROBERTSON.

Guide to the Study of Medieval History, for Students, Teachers, and Libraries.

By L. J. PAETOW, Ph.D. (Berkeley, California: University of California Press, 1917.)

MOST students of medieval history have felt the need of a convenient bibliographical handbook for the historical literature of Europe in general,

which should be classified not only by countries and broad periods, but by subjects and 'burning questions', and should be full enough to take its user, if not to the recesses, at least to the most important literature of any special object of his studies. We had exhaustive national bibliographies, like Dahlmann-Waitz and Gross, and sectional subject-bibliographies, like those in the *Bibliothèque de l'Enseignement de l'Histoire Ecclésiastique*, but not a work which would combine their advantages and treat of all the middle ages. Herre's first-rate *Quellenkunde zur Weltgeschichte* did much to fill the gap, but its wide national and chronological classification, and, on some subjects, strictly selective character, somewhat impaired its usefulness. In Professor Paetow's book the main feature is a series of subject-bibliographies which covers the whole field. It is, we believe, the first attempt in English at more than a hand-list of publications on medieval history, and is an invaluable complement to the medieval portion of Herre (by Hofmeister), although it does not quite replace it. It is just as true to say that Herre's work is the complement to Dr. Paetow's.

The diligence, accuracy, and comprehensiveness of Dr. Paetow's compilation deserve the highest praise. His system of classification is elaborate and at times too elaborate, but the fault is on the right side: a bibliography which should guide the student in his reading and save his time was what was wanted. First comes a numbered bibliography, in the style of Herre, but briefer, of general books. Then follow the subject-bibliographies, thirty-five of general history and twenty-eight of medieval culture. Each subject is headed by a brief outline of names, dates, and chief events or problems. Next comes 'Special Recommendations for Reading' (for the honours student), and lastly a 'Bibliography', each subdivided into usually enlightening sub-headings. This division seems a matter for regret. The 'Special Recommendations' are not repeated in the 'Bibliography', and thereby the order of merit and importance is seriously obscured. The 'Special Recommendations' seem to be selected partly because they are standard authorities, partly because they are brief and elementary, partly because they are English and accessible. The 'Bibliography' largely contains standard authorities and abstruse or special studies, but also books less accessible or important or not in English. As Dr. Paetow adopts a useful order of importance in his lists and much subdivides the subjects, it would seem to have been preferable to have united the two main sections and merely to have starred the 'Special Recommendations' for undergraduates. Otherwise, however, the plan of the book is excellent, and difficulties of cross-reference are obviated by a careful index.

Passing from the general design, in a work so wide in scope, there is naturally room for improvement. Chief of the defects is the inadequate provision for reference to the original sources in the original tongues. 'Source-books' and translations, where available, are listed in the 'Recommendations', but for names of works, &c., and their editions in the 'Bibliography' we are mostly referred in general terms to the great collections. It seems, though perhaps to say this is unjust, to be assumed that the medieval student is a polyglot in modern languages, but that, especially

if an undergraduate, he will not face Latin. And this is the more regrettable, as much of the special literature recommended loses value for the student apart from the sources which it discusses and from which it is derived. Indeed one might say the same for the use of medieval history in general, for undergraduates as well as for the more mature. To put the sources 'in the original tongues' quite in the background seems to abandon some of the advance gained by what Dr. Paetow will hardly allow us to call the Renaissance. On another point, while the fullness of the references to English, French, and German literature leaves little to be desired, Italian is admitted in too small quantity for its importance. Partly, this may be due to the fact that it is largely published in serials of some sort, but some of those serials themselves, which are necessary for Italian history, are omitted in the general bibliography. I may instance the *Archivio della Società Romana di Storia patria*, the *Nuovo Archivio Veneto*, the *Archivio Storico per le Provincie Napoletane*, not to mention others, and among authors Cipolla, Schiaparelli, Fedele, Schipa, Gabotto, Salvioli, Solmi, Cibrario, Pivano, and others, who are either omitted or inadequately represented. It is in accordance with this inadequacy, intentional as we learn from the preface, that there is no section devoted strictly to medieval Italian literature (though Dante has one and Petrarch and Boccaccio appear as humanists), and that most of the sparse misprints are of Italian titles.

Two minor recommendations may be made: first, that in the references to co-operative works, the author should be mentioned as well as the editor, e.g. Luchaire and Coville for the parts of Lavissee's *Histoire de France* for which they are responsible; secondly, that when a general book referred to by number in the 'Bibliographies' is specially useful, it should be noted by name as well. The reader has a tendency not to refer back to 'nos. 394-498' without crying need and some hint of their varying applicability and attraction.

On points of detail we may note a few corrections and suggestions. In the numbered bibliography: p. 18, no. 122, the explanatory letterpress and many unique maps of the *Oxford Historical Atlas* might be mentioned. On p. 29 facsimiles, *Codice paleografico Lombardo*; on p. 33, § 4, Litta, *Famiglie celebri Italiane*; *ibid.*, § 5, Woodward's *Ecclesiastical Heraldry*; on p. 34, § 6, *Corpus nummorum Italicorum*; on p. 49 (e), Solmi, *Stato e Chiesa da Carlomagno sino al Concordato di Worms*; on p. 50, no. 464, Savio, *Gli antichi Vescovi*, the first part, *Il Piemonte*, Turin, 1899; *ibid.* (h), Pivano, *Stato e Chiesa 888-1015*; on p. 57 (e), Poupardin's *Provence and Bourgogne* and Fournier's *Royaume d'Arles* are omitted. On p. 62, no. 599, there is a confusion between the *Storia politica d'Italia scritta da una società d'amici*, 1875 ff., and its successor *scritta da una società di Professori*, 1900 ff., written mainly by fresh authors. On p. 64, no. 619 (Gabotto) and 620 (Lanzani, part of 599) are hardly 'shorter works' or mere text-books; and Cipolla's *Le Signorie* (also part of 599), as well as Romano's, Gianani's, and Orsi's volumes of the re-issue of the *Storia politica* ('Professori'), are omitted, although Romano, Cipolla, and Orsi appear in the subject-bibliographies. A good short series of lectures, *La Vita Italiana*, is also here omitted. On pp. 73 and 329 Temperley's *Serbia* is perhaps too recent to be included. On p. 81 the

co-operative *Storia letteraria d'Italia*, Milan, 1900 ff., is omitted. On p. 95, no. 959, the *Liber Censuum* might be mentioned, and to p. 101, § 5, the *Biblioteca della Società storica subalpina* should be added. In the subject-bibliographies: on p. 141 Halphen's *Étude sur l'Administration de Rome* would be more fitly entered in section xv, p. 176, and part iii, section iii, p. 347. On p. 168, Italy, Hartmann, vols. iii and iv, Pivano, *Stato e Chiesa 888-1015*, Gay's *L'Italie méridionale et l'Empire Byzantin*, and Davidsohn's *Geschichte von Florenz*, vol. i, should all be mentioned. On p. 176 we miss Fedele's articles on the Papacy; and on p. 183 Cauchie's *La Querelle des Investitures* and Böhmer's *Staat und Kirche in England und in der Normandie*. On p. 250 Archdeacon Cunningham's *Growth of English Industry, &c.*, and with regard to the towns Pirenne's *Les Anciennes Démocraties des Pays-Bas* and Luchaire's *Les Démocraties Italiennes* are lacking. Guiraud's *L'Église Romaine et les Origines de la Renaissance* would appear more appropriately on p. 311 than on p. 270. Lord Balcarres' *Donatello* is omitted on p. 313, as are on p. 314 the books of Holroyd and Symonds on Michelangelo. On p. 355 on the medieval *Weltanschauung* we should expect a cross-reference to the section on Dante. For the knowledge of Greek in South Italy, Gay's *L'Italie Méridionale et l'Empire Byzantin* might be mentioned on p. 415. Room, too, might have been found for Rossetti's translation of the early Italian poets for students to study 'by the direct method', as Dr. Paetow says, in the section on Dante.

In a work containing thousands of entries on the whole extent of medieval studies it is easy to find blemishes at its first appearance; but they detract little from the merit of Dr. Paetow's single-handed achievement. He has produced a most valuable aid to the medievalist.

C. W. PREVITÉ ORTON.

Norman Institutions. By C. H. HASKINS. (Cambridge, Massachusetts: Harvard University Press, 1918.)

WITH the exception of the chapter on 'Normandy under Robert Curthose and William Rufus' the whole of the text of this volume and two of the appendixes on special points have previously appeared as articles in the *American* or the *English Historical Review*; in their revised and collected form they supply not indeed a continuous constitutional history of Normandy from 1000 to 1189—the materials, chiefly charters, a few inquests and at the very end the surviving exchequer rolls, are far too meagre for that—but a careful examination of every scrap of evidence, especially in its bearing on the constitutional development of England.

The great problem of English history upon which these studies throw light is a twofold one: (1) how far did the Conqueror introduce Norman institutions into England; and (2) to what extent were the judicial and administrative improvements of Henry I and Henry II first tried in Normandy? A comparison of the answer given by Mr. Haskins to the first question with the summaries of our previous knowledge in Pollock and Maitland's *History of English Law* or the fourth appendix in Mr. Davis's *England under the Normans and Angevins*, and in Mr. Round's articles on Knight Service, shows that a good many points which they left doubtful are

now cleared up. Although, for instance, feudal military service was known to have existed in Normandy, details were wanting as to its organization. Mr. Round's only positive authority for Norman *servitia debita* in terms of the ten-knight unit before 1066 was Wace, whose authority for matters of that date he had elsewhere treated with anything but respect. A serious lacuna is therefore filled up by Mr. Haskins's ingenious and convincing inferences from inquests of 1133 and 1172 that baronies, *servitia debita*, and knights' fees were regular features of Norman feudalism certainly before 1150 and probably before 1035. Early, if not quite so early, indications are found in Normandy of the prevalence of the forty days' service, for which as a strict limit there is so little evidence in England. Even in Normandy it is doubtful whether the lord, in some cases at any rate, could not insist on the prolongation of the service at his own cost. In regard to non-feudal military service Mr. Haskins reminds us that the *arrière-ban* survived in Normandy and may have contributed more to the retention of the *fyrd* by the Anglo-Norman kings than any deliberate desire to preserve Anglo-Saxon popular institutions.

Among interesting details of the Norman feudal arrangements is the liability to four, instead of three, ordinary aids which occurs in an early Mont-St.-Michel agreement. The obligation differs from the English one not only in the fourth aid, for redeeming the lord's forfeited land from the duke or abbot, but in having the ransom of his son if captured in their service instead of the knighting, which, it is suggested, may have been substituted later as knighthood grew more important.

In the jurisdictional sphere the ducal 'pleas of the sword' and grants of immunity were too similar to their Anglo-Saxon parallels (despite the greater prominence of arson) to show a very clear influence, but the system of *misericordia* which replaced the old English preappointed *bôts* and *wites* was so firmly established in Normandy in the Conqueror's reign that Maitland's rejection of its Norman origin seems to rest on insufficient grounds. Further light is shed upon the Norman antecedents of the ordinance of William I separating the spiritual and temporal courts, for instance, on the episcopal reservation of the ordeal; but the charge brought against Mr. Davis of misinterpreting some of the canons of the council of Lillebonne (1080) in his appendix on criminous clerks should have been more specific. Is it limited to the doubtful tenability as regards laymen of his contention that a fine to the bishop necessarily implies episcopal jurisdiction? The canon which excluded the forest offences of the clergy from the bishop's cognizance is interesting in connexion with the attempt of Henry II to retain this jurisdiction after his renunciation of the Constitutions of Clarendon.

In the system of levy and collection of ordinary revenue Normandy seems to have been more advanced in the middle of the eleventh century than any of her neighbours except perhaps England. The *vicomés* and other local areas were farmed at least as early as the Conqueror's time, and Norman practice may have contributed to the development of the sheriff's farm in England. At any rate the system of allowances to farmers for ancient alms to monasteries was older in Normandy than in England. On the question whether the Norman *vicomte* contributed more than

his name to the sheriff Mr. Haskins suspends judgement, but Mr. W. A. Morris's study of the office of sheriff before and after the Conquest, since completed, on the whole gives an answer in the negative. The Norman sheriff was a man of higher rank than his Anglo-Saxon predecessor and, like the *vicomte* in Normandy, not infrequently sat in the *curia regis* and acted as royal justice and custodian of the king's castles locally, but it is not likely that any extension of the powers of the old English sheriff was needed to meet the new conditions. One of the parallelisms between the Norman *vicomte* and the Anglo-Norman sheriff was the tendency to become hereditary officials in some cases (p. 47). That the special Anglo-Norman forest administration and jurisdiction was imported from Normandy, though perhaps not immediately,¹ seems hardly open to doubt. Mr. Haskins is unable to add anything to our knowledge of the customs of Breteuil and other Norman *bourgs* which were transplanted to English soil, and while mentioning Mr. Hemmeon's criticism of Miss Bateson's reconstruction of the Breteuil customs he omits that contributed by the late Mr. Ballard to this Review.² He notes that the *banlieue* or privileged area about a town or castle was a Norman institution.

As far back as 1904 Mr. Round adduced evidence which suggested that in the names of his household officers the Confessor had already Normanized his court,³ but Mr. Haskins seems to doubt whether the chancellor was one of them, for, like Mr. Stevenson,⁴ he finds no traces of a Norman ducal chancery either under William (before 1066) or his father. The ducal charters of William are local work apparently, and there is no evidence of the use of a seal. 'It seems plain that the English tradition asserted itself strongly after the Conquest.' The history of the writ and the writ-charter shows this even more strongly than the imitation of the Anglo-Saxon diploma. Little is known of the Norman *curia*, but Mr. Haskins cannot agree with Professor Liebermann that the three annual assemblies in England after the Conquest were 'a French novelty'. A chief justiciar is not mentioned in the surviving documents. It is suggested that the English justiciar more probably originated among the bishops of the Norman *curia* than from the seneschalship, as Stubbs supposed, though not on the ground taken by Vernon-Harcourt, whose contention that William Fitz-Osbern was never *dapifer* is refuted from documents. Finally, Mr. Haskins agrees with Mr. G. B. Adams that the Norman origin of the practice of sending special justices to hold a local court 'is not likely to be questioned'.

The general result of the investigation is to confirm and amplify rather than to disturb current views as to the influence of the Norman Conquest upon the English constitution. After all, it was Norman statesmanship and masterfulness far more than the transfusion of actual institutions which built up a new England, and the chief value of the study of Normandy under William the Conqueror, from the continental as well as from the English point of view, is that it supplies the fullest picture yet available of the state in which feudalism was earliest brought under fairly firm

¹ Davis, *Regesta Regum Anglo-Normannorum*, xxxi, no. 260.

² *Ante*, xxx. 646.

³ *Ibid.* xix. 92.

⁴ *Ibid.* xi. 733 n.

control by the central power. The short reign of Robert Curthose, like that of Stephen in England, showed how much this order depended on the strong hand of the ruler. From an analysis of Robert's charters Mr. Haskins draws fresh illustrations of his weakness.

The growth of royal justice and finance in England under Henry I and Henry II has very close parallels in Normandy, upon which much new light is thrown from charter material; but the question of priority cannot always be determined, owing chiefly to the disconnectedness of the Norman sources and imperfect study of the English ones in the first case, and the restless activity of the king in the second. England had a chief justiciar before Normandy, where he first appears between 1106 and 1109, and the exchequer with its peculiar system of accounting is recorded in England a dozen years before the earliest mention of it in Normandy, and may very well have been first set up on this side of the Channel, though the evidence adduced by Mr. Haskins for the introduction of the abacus before the reign of Henry I weakens some of the arguments that have been used in favour of this priority. On the other hand, it is possible that the judicial procedure of Normandy was ahead of that of England, but it would be dangerous to speak with any confidence here until Henry's English charters have been scrutinized with the same care as those issued for Normandy.

There was of course a good deal in common between the kingdom and the duchy when in the same hands; they had only one chancery and the *Constitutio Domus Regis* shows traces of the residence of the royal household in Normandy during the last two years of Henry I's reign. The ten years of separation (1144-54) under Geoffrey and Henry of Anjou made no break in the parallel development of England and Normandy. The less highly organized Angevin system had nothing to teach the Normans, and Geoffrey abstained from any tampering with the natural evolution of their institutions and enjoined the same policy upon his son. If Henry II needed this advice, he certainly laid it to heart. In his first brush with the church, which occurred in Normandy (1162) he reinforced the canons of Lillebonne, and ch. i and perhaps to a certain extent ch. ix of the Constitutions of Clarendon had Norman, if not English, precedents; while the requirement of proper accusers and witnesses in the case of laymen tried before church courts (ch. vi) had been the subject of legislation by himself both in England and Normandy. In this instance it is certain that he first took action in England, but the starting-point was a matter of indifference to him, and with 'so restless an experimenter' and such defective evidence it is not always possible to locate it. Among cases in which we are more fortunate, the Assize of Arms and the ordinance for the Saladin Tithe were first issued for Normandy, and it is possible that coroners were first created there, but the inquest of knight service in England preceded the Norman one by six years.

The most interesting case of Norman priority, the use of the trial-jury, though the decisive step may have been taken by Henry II, was not an accident. As an institution of Frankish origin it was natural that the development of the sworn inquest from a prerogative method of fiscal inquiry into a regular element of judicial procedure should be effected on Norman rather than English soil. It seems possible, it is true, that it

was antedated by Brunner, and antedated more than he knew, for the two writs in the *Livre Noir* of Bayeux which order recognitions *secundum assisiam meam* but have a blank for the name of the duke are shown by Mr. Haskins's careful inspection of the marginal notes to have been issued by Geoffrey, not Henry of Anjou, as Brunner believed. As they both belong to a series of inquiries intended to secure the recovery of estates lost by the see of Bayeux, evidence from some other part of the duchy is needed to prove the assize in question to have been a general ordinance establishing a trial-jury throughout Normandy, and this evidence is at present lacking. Yet even the limited development of the inquest which is all that can safely be deduced from these documents seems to be in advance of anything that can be shown to have existed in England at that date, and in a Rouen case between 1154 and 1159 we hear of a lay claimant against the abbey of St. Stephen at Caen placing himself upon the assize, at least five years before the first mention of the assize *utrum* in England and at least seven before the institution of the assize of novel disseisin. In the practice of the ecclesiastical courts of Normandy some anticipations may be found of the English petty jury, resort to which was based on the consent of the parties, and, after 1159, of the jury of presentment which in England first clearly appears in ch. vi of the Constitutions of Clarendon. We say 'clearly' because Henry's legislation against unsupported accusations in church courts, which preceded the ordinance of Falaise, may have prescribed such a jury. Mr. Haskins distinctly implies that it did (p. 332), but elsewhere speaks of Normandy as the home not only of the assize in civil cases but of the jury of presentment (p. 238). Perhaps the solution of the apparent contradiction is that he regards the execution of the English law as suspended by the king's absence abroad from 1158 to 1163.

Of course, the parallelisms that have been noted do not exclude many divergences both of substance and form, and so rapid a summary of the chief conclusions of the book as they bear on English problems would be misleading without a reminder that this is only one aspect of what is as complete a description of the institutions of Normandy during the critical two centuries as the evidence allows. The appendixes, which fill a hundred pages, include, in addition to excursuses on the Documentary Sources of Early Norman History, the Norman *Consuetudines et Iusticie* of William the Conqueror, and the Materials for the Reign of Robert I, a considerable number of charters, mostly unpublished, with facsimiles of an interesting Fécamp series, documents concerning Norman courts, &c., and a Norman itinerary of Henry I.

J. TAIT.

Recueil des Actes de Philippe-Auguste. Tome I: 1179-94. Par H. FRANÇOIS DELABORDE. (Paris: Imprimerie Nationale, 1916.)

THIS volume makes a beginning with what is probably the most valuable publication in the series of *Chartes et Diplômes* issued by the Académie des Inscriptions et Belles-Lettres. It contains some interesting material for a study of the transmission of medieval documents. M. Delaborde, in his introductory analysis of the Registers of Philip Augustus, states that, of the 476 documents here edited, only 39 were copied in the earliest

register compiled about 1204, and now in the Vatican. A few more acts, dating from the period covered by this volume (1179-94), were entered in the later registers of 1211 and 1220. This means that until Delisle prepared his famous Catalogue in the middle of last century the vast majority of Philip's acts were practically inaccessible, scattered and unstudied, in local cartularies, municipal archives, or in the manuscript collections or provincial histories of the French antiquaries of the seventeenth and eighteenth centuries. Whether copies were systematically retained in the royal chancery is, to say the least, uncertain, though M. Delaborde gives good reasons for his view that the register contained only a small selection of the documents in the archives. He thinks that Philip, in order to avoid another disaster like that at Fréteval in 1194, 'immobilized' the archives in his palace at Paris, and that the arrangement in the later registers, somewhat crude in 1211 (Register C) and elaborate in 1220 (Registrum Guarini or Register D), reproduces an arrangement of the documents themselves which was completed by Bishop Guérin of Senlis. The successive registers were portable memoranda books of the more important grants, privileges, lists of fees, services, &c. The acts transcribed in the registers are not minutes, as Delisle thought, but slightly abbreviated copies of the originals, which were drawn in charter or letter form, or occasionally in both forms.

This view should stimulate further inquiry, and in the succeeding volumes M. Delaborde will, we hope, be able to tell us more about the fate of the archives of Philip Augustus. As most of the originals still extant belonged to monastic or municipal archives, the chancery presumably kept duplicates from which the contents of the registers were afterwards selected. If this was the case, the records of the French chancery corresponded to the English chancery rolls, with the difference that they consisted of separate documents. This would, if established, be a very interesting and important discovery. The archives would date from the collection made by William the Chamberlain to replace the records lost in 1194. They would be formed gradually; it is significant, for example, that some acts dating from the early years of the reign first appear, not in the register of 1204, but in Guérin's register of 1220. One feels that the implications of M. Delaborde's hypothesis require much more investigation. There is room especially for the comparative study of the registers and English memoranda books, such as the Red Book of the Exchequer. If the principles, upon which the documents copied in the register were selected could be more exactly defined, it might be possible to reconstruct in outline the French chancery archives. The well-known description in the *Philippid* and the classification of Guérin's register are, at present, the only data.

The present volume contains nearly 500 documents dating from the years 1179 to 1194. About thirty are indicated for the first time, and about 130 are printed for the first time. Only 73 were unknown to Delisle, but whereas Delisle knew only 52 originals, M. Delaborde has had access to 131, or between a third and a fourth of the whole. In the absence of central archives, the provincial cartularies are the chief source of information. It is interesting to note that the small proportion of originals has continued

to suffer even in our own day. A confirmation of privileges for the citizens of the episcopal *bourg* at Langres (1181), which was unknown to Delisle, was lost in 1892 in the fire which destroyed the town hall of Langres. Fortunately M. Petit had printed it in his history of the dukes of Burgundy, and a copy had been made by the archivist of the department (no. 26, p. 37). An important confirmation of the customs of Bruyères, Chéret, Vorges, and Valbon (1186), copied in the registers and in various cartularies, is known to have existed in the original in 1862, when it was sold as part of a private collection (no. 197, p. 235). A grant to the canons of St. Pierre-Puellier of a chapel in the new tower of Bourges (1189-90) has had a narrow escape from oblivion. Delisle copied a transcript in the *pancarte* of Saint-Pierre, and Raynal in his history of Berry edited the grant from the original. The *pancarte* was destroyed by fire in 1859, and the original has disappeared within the last few years from the records of Notre-Dame-de-Salles (no. 285, p. 346). No. 257, relating to a *vicaria* in the same tower, was seen by the archivist of Cher a few years ago, but is now lost; it has been copied three times since the sixteenth century (p. 311). The original of no. 119 has been lost since 1879, and the act is only known from a copy of 1640 (p. 147). How haphazard even the most exhaustive modern collection must be may be seen from the notes in surviving copies. In 1180 the king released from taxation a converted Jew who took the name of Philip. We read in a *vidimus* of 1301 that, the original charter being undecipherable owing to the ravages of a recent fire, Philip the Fair accepted as a correct record a transcript sealed with the seal of the prévôt of Paris (no. 16, p. 22). A later *vidimus* often refers to the corrupt or aged condition of the original (e. g. nos. 20, 186, 194).¹ A charter for Bec (1189-90), which survives in two or three late copies, has no medieval record save a *vidimus* of King Henry V of England, of March 1420, copied into a Norman roll (no. 283, p. 344). A charter for the hospital of Étampes (no. 151) is only known from a brief note in the thirteenth-century Register F.

Even if these acts had already been well and safely edited, their collection in one volume in this fine series would have been of great service. It is one of the bewildering features of modern historical research that work of this kind should follow, and not have preceded the scholarly studies of Luchaire, Cartellieri, and M. Delaborde himself upon the reign of Philip Augustus. Delisle had prepared the way, and his catalogue was hailed in France and Germany as almost epoch-making. Lack of organization seems to have been the sole reason for the delay. M. Delaborde has at last opened the way for a series of investigations which were impossible so long as the texts of the acts were scattered in the manuscript collections of France. A comparative study of Philip's charters and letters and those issued from the English chancery is long overdue.² And we have in this volume for the first time a definitive edition of the customs and privileges

¹ Naturally the seal was the first thing to suffer. Compare the *vidimus* of 1314 of a charter of 1186 (no. 186, p. 223), which states that the original 'propter sui vetustatem nimiam circa sigilli appensionem detrimentum aliquod sustinebat'.

² Some of the shorter letters are strikingly like the pithy phrases of the letters patent of our English kings, e. g. no. 290.

of the communes which received royal confirmation. The value of this to the student of social and administrative history is immense. For this reason alone the *Actes* of Philip Augustus will be indispensable to British no less than to French scholars.³ We congratulate M. Delaborde upon the successful beginning of a task which will become increasingly important as he reaches the central years of Philip's reign. F. M. POWICKE.

Calendar of Inquisitions, Miscellaneous (Chancery). Vols. I and II. (London: H.M. Stationery Office, 1916.)

MORE than four thousand five hundred documents, ranging in date from '1219' to 1349, are calendared in these volumes. A somewhat elaborate introduction is largely concerned with the history and previous arrangement of these records, but the chief points to grasp are that this calendar is intended to be carried down to the accession of Henry VII, like the Calendar of Inquisitions *post mortem* and the list of Inquisitions *ad quod damnum*, and that the documents with which it deals are mainly of a residual character after the above two classes of inquisitions had been separately arranged. These three series will henceforth comprise all the Chancery Inquisitions down to the above-mentioned date. With regard to the somewhat technical discussion in the preface, one may note, as to the county inventories of escheats, extracted long ago from an ancient inventory in seven volumes, that the volume for Essex 'had already been lost in Lemon's time' (1775). For Morant certainly used many of the records here calendared for his *History of Essex* (1768), and his means of access to the public records, through his son-in-law Astle, together with his acquiring habit in the matter of manuscripts, may possibly account for the loss. If so the volume may exist among his manuscript collections.

It is justly observed by the Deputy Keeper of the Records that 'a reference to the analysis given in the index of subjects under the heading Writ and Inquisition will give some indication of the great variety and interest of these inquisitions'. There are more than seven columns under this heading alone in the index of subjects to vol. i. To historical students the index of subjects is always of such importance that one is grateful for the forty-two pages devoted to it in this volume. There is some lack, however, of uniformity in the matter, for this index barely runs to twenty-five pages in vol. ii, where also there is no heading 'Writ and Inquisition'. Of 'the great variety and interest' of this calendar there can be no question; indeed, it is difficult to pick and choose among its vivid illustrations of medieval life. The most fascinating, perhaps, are those afforded by inquisitions on deaths alleged to have been caused by chance medley or in self-defence. The latter and generally successful plea was usually based on amazingly incredible stories by the culprit. In spite of the traditional resort of an Englishman to his fists, it is clear that our forefathers, on slight provocation, had recourse to admitted or extemporized weapons; in the fields, at the tavern, at home, or even at play. Fatalities were thus

³ Some criticisms and additions by M. Halphen, who has also compiled a useful list of the more important documents, will be found in the *Revue Historique*, March-April 1917, cxxiv. 320-5.

caused among men evidently quick to wrath. But the arm of the law was strong. In 1273 William Mauduyt, of the late earl of Warwick's family and a tenant by knight-service, had robbed a carter of two horses and was duly hanged 'at the suit of the carter' for larceny and for breaking gaol. The law and its officers inspired terror; Clavering of Callaly Castle was of illustrious descent, but when Roger de Clavering's widow was indicted for murder she evaded the sheriff, she said, for fear of a clerk of his, 'who threatened that, when she was imprisoned at Newcastle-on-Tyne, having drawn her teeth, he would carnally know her against her will', in the sheriff's absence. This was in 1306.

More than two pages are devoted to an interesting letter from John de Barham, who was sent in 1302 to take seisin, on the king's behalf, of the Earl of Hereford's lands in the west. He describes how he tendered the oath of fealty and took homage from the earl's tenants. At Brecknock Castle there were 'more than 2,000 Welsh' who knew no English. So he took an interpreter [*latimerius* ?], a clerk, who had from him the words of fealty and then charged the tenants in Welsh. The abstract wrongly reads 'one Latimer, a clerk', which obscures the point, for we clearly have here the old Domesday practice of using the clergy as interpreters. In 1270 a notable inquisition was held at the 'Stone Cross' by the sheriff of Middlesex, to determine whether two or three acres called 'Kyngegore' between 'Knichtbrugge' and Kensington were escheat or ancient demesne. The return states that they were ancient demesne, the proceeds of which belonged to the ferm of Middlesex. Was this the origin of Kensington Gore, and have we in that name a relic of the open field, in view of the fact that these acres were *tempore excluso* common? 'Stone Cross [co. Middlesex]' is not further identified in the index, but is of peculiar interest. No. 2313 in this volume gives a clue to its locality by showing that in 1289 the parson of St. Mary-le-Strand was there assaulted, and in vol. ii (no. 1556) we have an inquisition as to Westminster held at 'Stone Cross without the bar of the New Temple' in 1337. But the climax is an inquisition held in the church of St. Mary-le-Strand, at which the jurors confidently stated, in 1311, that 'the stone cross without the bar of the New Temple, London, was erected by King William Rufus in devotion to the Holy Cross and for the health of the souls of himself and his mother, Queen Maud, whose body rested there while being carried to Westminster for burial' (no. 110). This remarkable instance of the Red King's *pietas* would have been news to Freeman, for the queen, he writes, 'was of course buried in her own church at Caen'. But the jurors of 1311 doubtless had the Eleanor crosses in their minds. With greater daring the Ipswich jurors who desired in 1340 to exalt their town as a port, testified that it was 'first appointed the capital of Suffolk, by reason of the port, by a pagan king, Ypus by name, who called the town Ypeswich' (no. 1708).

As the two volumes were indexed by different officers and with different results, they had better be separately dealt with. In vol. i (1219-1307) the chief feature is found in the *Inquisitiones de Rebellibus* (nos. 609-940) after the barons' war. Mr. Pearson, in his fresh edition (1871) of Blaauw's *The Barons' War*, was disposed, in his important appendix on the 'Royalists' and the 'rebels' (pp. 364-80), to depreciate the evidence of these records

as affording insufficient proof of 'rebellion'. But at least they afford most valuable means of identification, a matter which rather baffled him. His constant queries and strange surnames are eloquent as to this. The arrangement of these returns, not only under counties, but under hundreds and wapentakes, enables one to identify men and places with certainty. This makes inexplicable the errors of the indexer; 'Chauton,' for instance, in 'Finchesden' Hundred, Hampshire, is obviously Chalton in Finchdean Hundred, not Chawton in Alton Hundred, and this correction is supported by the contents of the returns (nos. 692, 978).¹ To take but a single county, that of Essex (nos. 657-74), the errors are staggering. 'Keleweden' in Ongar Hundred is Kelvedon Hatch, not Kelvedon (in Witham Hundred), which occurs in no. 670, but is unindexed. In Hinckford Hundred 'Smetheton' is not identified as Smeeton in Bulmer. In Lexden Hundred, Crepping ('Creping'), a well-known manor in the Colnes, is pitchforked into Romford, at the other end of the county, and 'La Gernunere', a moated house in the Stour Valley at Wormingford, in the extreme north of the hundred, is sought for in its extreme south. This is peculiarly unfortunate, because we have here the perfect form of a name akin to La Musardère (Miserden), and to such forms across the channel as La Bigotière, L'Ernaudière, La Quéhannière, &c. 'Sir Simon de Pateshill of Toleshontte, "chyvaler"', (no. 670), was a holder of land in the unindexed Tolleshunt Knights. Of three manors in Winstree half-hundred, 'Burchalle in Mereseia' is not even identified as Bower Hall in Mersea, while the 'Legh Mareny' of William de Mareny, namely Layer Marney—where the famous gatehouse of the Marneys towers above the marshland—is identified, as also is Leighs (nos. 1870, 1940), in the heart of the county, with the far-off Essex port of Leigh on the Thames.

Before proceeding to other points noted in the index as needing correction, one must speak of a more delicate subject, the reading of the documents in this volume; for the index, of course, is affected when a word is incorrectly read. One would naturally hesitate to question readings of documents one has not seen, especially when they are those of the skilled staff of the Record Office, were it not that one notable document (no. 2272) had been published *in extenso* by a colleague of their own in 1913.² Comparing these two versions, we note first that this inquisition was held, in April 1285, 'before Robert de Gynges, sheriff'. But the sheriff at that time was not 'Robert'; he was that 'Reynold (*sic*) de Gynges' who appears in no. 1347, and who is styled, we find, in the Latin original of 2272, 'Reginaldo de Gynges, vicecomite'. The trouble was a death in an affray between Sandwich and Yarmouth mariners, at 'Bradfelt on the Sea (*in mari*)', indexed as Bradfield (on the Stour). But the editor of the Latin text read it as 'Bordflet in mari', which entries in the cartulary of St. John's, Colchester, clearly prove to have been Brightlingsea Creek at the mouth of the Colne. We have thus here the earliest mention of the (Cinque Port) connexion between Brightlingsea and Sandwich, and a very early one of the famous Colne oyster trade in which these mariners

¹ This, which is wrongly indexed 973, is a return of 1275, but refers to the escheat stated in no. 692.

² *Essex Arch. Trans.* [N.S.], xiii. 143-4.

were engaged. Most of the doubtful readings arise, as might be expected, from confusion between *c* and *t* or the minims of *n* and *u*, of *m* and *in* or *ni*. Only a knowledge of names, at times, can decide between them. 'Thalbenor,' for instance, should be read as 'Chalbenor' (if not 'Chabbenor') and is, therefore, unidentified. Edmund de 'Cameset' (no. 659) is identical with the Edmund de 'Kemeseth' (wrongly indexed as Kemerseth) of no. 203, where his ancestry is given; but the *t* in the name should be read as *c*. The occasional confusion of *k* and *r* is seen in so suspicious a name as 'Rameis' (no. 521), which the index confuses with 'Raymis', but which proves to be 'Kameis' or 'Kameys' (no. 639) or 'Cameys' (no. 699). As for *n* and *u*, 'Chaueresbregge' should be 'Chaneresbregge', 'La Kersouere' should be 'La Kersonere', and 'Granacel' should be 'Grauacel' (whence the local name 'Grassals'). It is of some importance to read *greverie* instead of *grenerie*, for these were no other than the *gravarie* of Normandy. Why the 'Binnestede' of no. 2274 should be identified as 'Binsted' [co. Hants] it is difficult to imagine; for the writ is addressed to the sheriff of Essex, and the places mentioned are in North Essex. 'Binnestede' must have been misread for 'Bumestede'.

The present writer has ascertained that, in the course of the Segrave peerage case (1877), 'a large portfolio' containing a number of these inquisitions was produced in the House of Lords by the late Sir William (then Mr.) Hardy. A few of the returns were then printed in record type, the accuracy of which was sworn to.³ Among these was a return for the wapentake of Newark, Notts., in which we read (p. 28):

terre et tenementa domini Galfridi de Stanton et de Elistona. . . .
terre et tenementa Galfridi de Moustou' in Eyleston. . . .

In the *Calendar*, however, these entries run (i. 260):

The lands, &c., of Sir Geoffrey de Stanton et de Cliftona. . . .
The lands, &c., of Geoffrey de Mouston ' in Clifton.

How is this to be explained? The Stauntons of Staunton certainly held, under Deyncourt, at Staunton and at Elston (*Eyleston*), within four miles of it; but they did not hold at Clifton, which was much further away.⁵ It seems, however, inconceivable that 'Eyleston' can actually have been misread as 'Clifton'.

How much the text may be affected by confusing *n* with *u* is well seen in no. 2158, the return of an inquisition which clearly belongs to the writ in no. 1264 and is dated by it. Among some men guilty of sacrilege at 'Great Bures' (2158)—which is proved by 1264 to be Bures St. Mary, though the two are indexed separately—we find a strange being, 'Gilbert Maunpaster (*sic*) of William la Justice of Assington'. This makes nonsense of the text, but he is gravely indexed as 'Maunpaster, Gilbert'. He was, of course, 'of the household of' John, as *manupastus* is rightly rendered in no. 746. To make matters worse, Assington (Suffolk), which adjoins Bures, is wildly identified as Ashingdon in south Essex. The misreading of *im* as *nm* has converted the Breton 'Guimar' into the meaningless

³ *Minutes of Evidence*, pp. 26-9.

⁴ He was probably Geoffrey de Musters.

⁵ *Feudal Aids*, iv. 100-1.

'Gunnar' in nos. 520, 521. Such readings as 'Tyllol' for 'Fyllol' and 'Herbert' (for Hubert) de Burgh may be scribal errors, but are uncorrected in the index. For such an entry as 'Bedehampton, Reynold son of Peter de', the text is responsible; the rendering in no. 2098, 'the park of Reynold son of Peter de Bedehampton' should have run 'of Reynold son of Peter at Bedehampton', which illustrates the need for care in rendering 'de'. For 'Reynold son of Peter' (no. 1895) is indexed separately, and Bedhampton not identified. Text and index alike are wrong in the case of 'Gerard de Hancurt' (*sic*) in no. 811, who is indexed under 'Haincurt', but who was really a 'Fanecurt' (as in nos. 774, 795, 796). The text, however, is not responsible for the amazing entry 'Grimketel, Alan de Creun son of,' which is due merely to carelessness. The name of this great Angevin house is also indexed under 'Croham'. Why, again, is the bridge of 'Amot' (no. 1547) indexed as that of 'Arnot', or the 'barony of Bochred (? co. Hereford)' entered thus on p. 667, but as that of Boughrood (co. Radnor) on p. 669? Perhaps, however, the strangest matter is the fate of Lindsey (Suffolk) at the indexer's hands. The adjacent villages of Kersey and Lindsey gave name, as is well known, to two familiar fabrics. In no. 21 is an interesting return 'by a jury of the vicinage of Karesheie and Lellesheie to determine the boundaries'. 'Leleseye,' as the return terms it, was an early form of the later Lindsey, which adjoins Kersey, but which, here and in three other documents, is identified as Nailsea, which is nowhere near to either. As to the parson of 'Lyndeseý' (no. 1371), if his parish was really that of 'Lindsey (co. Lincoln)', his cure must have been a large one.

As with places, so with persons. In Oxfordshire 'James de Auditleye seized the land of Ralph d'Aundeli', and Osbert Giffard that of 'Maurice d'Aundeli' after the barons' war (No. 855). Yet Ralph and Maurice, with their Norman surname, are identified with the Staffordshire Audleys. So is Walter Dandeli (no. 341). Stephen, earl of Aumale, with his son William are indexed as members of the later house, under 'Fortibus'. In Kent 'Greneche' (no. 1024) is Grence, not 'Greenwich'; in Sussex 'Fylesham' is simply Filsham. In Scotland 'Luffynock' is Luffness, the home of the Lindsays. It is strange to learn that, in South Wales, Dynas, a castle of 'Sir Reynold son of Peter' (unindexed on p. 799), which guarded, as Dinas y Bwlch, a pass through the Black Mountains, was 'Dynas Powis (co. Glamorgan)'. The mysterious 'Eleveyennismeneth (? co. Radnor)' was simply Elfael Is Mynydd, now the Hundred of Painscastle. 'Waucre,' i. e. Walkern, Herts. (no. 1923), is unindexed under either form. In Essex 'Elteneýe' is Iltney, not 'Eltenhey', and 'Sedeburnebroke' is Brook street in South Weald; there is no attempt to identify even such familiar forms as 'Meaudon' (Maldon), 'Little Reines' (Rayne), 'Dyham' (Dedham), 'Halleye' (Hadleigh) Castle, 'Sidingeho' (Manningtree), which present no difficulty, and the 'Bures St. Mary' of no. 1760 is perversely indexed under 'Bowers'. The great lordship of Nayland ('Neylond') on the Stour is sought for in Witham as 'Newland', while, as for 'Roenges (? co. Lincoln)', it is no other than Beauchamp Roding, co. Essex.

It must not be supposed that local knowledge is requisite for such criticism. Let us, for instance, pass from Essex to West Wales. No. 986

is an inquisition before the bailiff of Abergavenny and Kilgarran, at 'Kilgarran in West Wales', early in 1275. It concerns the misdoings of Sir Nicholas Fitz Martin when in charge of Kilgarran Castle and forest. At its close is the statement that 'the said Sir Nicholas took timber in the forest of Kilgarran . . . for building his castle of New Town (*sic*), in Kemmeas'. This is indexed as 'Kemeys, Kemmeas (co. Monmouth), New Castle (*sic*) in'. Both text and index are wrong. 'Kemmeas' is neither of the places named Kemeys in Monmouthshire, but is the well-known cantref of Cemais (now in Pembrokeshire), of which the Martins were lords, and which adjoined Emlyn, of which Cilgerran was the stronghold. Of this Cemais Newport (*sic*) on the strand ('Trefdaeth') was then the *caput* and the citadel. When Llewelyn captured Newport and overran this Cemais⁶ in 1257, he made (and kept for a time) prisoner—though this may not be known—the Sir Nicholas of this document, who was lord of Cemais for about half a century. Abergavenny and Cilgerran had come into the king's hands in 1255 on the death of Eva (a Braose heiress), mother of the George de Cantelupe named in this document, and their lordship during his long minority was given to the lord Edward, under whom Sir Nicholas had been in charge at times. It must have been when he had regained his lost castle of Newport that he took this timber for its rebuilding. One may add, of the Cantelupe lands 'at St. Clare and Kilgarran', that 'St. Clare' (which is not even indexed) was St. Clear's (Carmarthen), of which William de Braose had died seised when he went to the gallows tree in 1230.

Before taking leave of vol. i one should note that its contents are dated on the binding as of 1219–1307, but that no. 518 is actually dated early (16 March) in 1218. This is of some importance, because it seems to govern the undated documents which follow (nos. 519–21) and which contain valuable lists of the knights' fees and their holders on the honour of Richmond. The name, however, of Earl Aubrey implies a somewhat later date for those in which it occurs.

In volume ii the leading feature is found in the inquisitions as to the prisoners captured in the wild flight from Boroughbridge with their chattels (pp. 129–34), together with those grouped under 'rebels' in the index of subjects. A brief inquest, in 1311, as to five acres in Much Marcle, 'held by John de Balun who was hanged for felony' (no. 100), would not suggest that he was the descendant of a mighty Domesday earl,⁷ just as John de Monmouth, 'who was hanged for felony', as recorded in 1281 (i. 1233), was the actual heir male of a Domesday baron. A notable entry of 1340 informs us that 'the keeper of the deanery of the free chapel of Hastings' has 'made a chapel to the king's honour with a new window and a picture of the king's father, so that the devotion of the people is much increased to the profit of the chapel' (no. 1716). In another, dealing with the repairs needed at Winchester Castle (no. 179), we read that 'the buildings covered with Cornwall stone called "Esclate" have been much damaged by storms'. This was in 1314. In the following year extensive repairs were found to be required at Salisbury Castle, owing to sheriffs'

⁶ There was a Cemais of some importance in Anglesey.

⁷ See *Studies in Peerage and Family History*, p. 209.

neglect and corruption, and to the 'manor' of Clarendon (nos. 209, 210). At the latter the cost of the repairs was estimated at no less than £1,850; in this historic 'manor' we have mention of the chamber called 'Antioche', chapels for the king, the queen, and the household, 'the chamber for the chancellor and the clerks of chancery, the chamber of the chaplains and clerks of the king and queen, the treasurer's chamber', and so forth. The particulars as to castles and other royal buildings are among the most valuable information afforded by these volumes. They deserve the careful attention of historical students, even though such statements as that of a Somerset jury that Taunton Priory was founded by 'William Gyffard, sometime bishop of Winchester, before the time of King Edmund Iryneside' betray an almost incredible ignorance.

It is a pleasure to praise the careful and scholarly work of the late Mr. Bland in the index to vol. ii. He is not responsible for that *persona ficta*, 'Baldwin son of Gilbert Wake' (no. 107), who is compounded (as we are reminded by no. 255) out of Baldwin son of Gilbert (de Clare) and Hugh Wake. The points one has noted for correction are very few. 'Ressemere' is not an unknown place in Ipswich, but Rushmere, close to Westerfield; in two consecutive entries the hundreds of Wixamtree (Bedfordshire) and Wixoe (Suffolk) are assigned to Essex; the court of the Honour of Boulogne at 'Wychem', as the text reads it (no. 127), was held not at Wickhambreux (Suffolk), but at Witham (Essex). In Sussex 'Hongetone' (*sic*), named with Chancton (no. 1823), was not the far-off Hangleton, but the neighbouring Buncton (*Bongetone*) in Ashington. It is regrettable that Patrick and William, earls of Salisbury, should have been indexed under Devereux. 'Gilbert de Baiocis', whose fees are analysed in no. 405, was Gilbert de Balliol; but this may be a scribal error. It is worth noting that the old name of 'Edulvesnasse by Waletton' (no. 406) still persisted in 1319, though not here identified as the Naze, for it was no longer the name of a lordship. 'Samford, co. Suffolk' (no. 300), was not a place, but a hundred, of which the bailiff was Roger de 'Wyvermers' (not Wynermers), i. e. Withermarsh in Stoke by Nayland. Is it certain, by the way, that 'leagues' should be so rendered? We find in the text (no. 1708) Rattlesden described as '15 leagues from Ipswich', though the distance is just about 15 miles, as the crow flies. The point is of some importance.

J. H. ROUND.

Year Books of Edward II. Vol. XII, 5 Edward II (1312). Edited by W. C. BOLLAND. (Selden Society Publications, Vol. XXXIII. London: Quaritch, 1916.)

THAT Mr. Bolland's new instalment of the *Year Books of Edward II* is not quite up to time is the necessity of publication under war conditions. But the volume shows no falling off in interest or importance, and Mr. Bolland, as he warms to his work, shows steady development of capacity for dealing with the extraordinarily difficult problems of collation, interpretation, and translation of the very puzzling texts of the Year Books. His introduction, seldom straying to more general considerations, is a close and valuable illustration of many of the chief cases that he has edited, and incidentally

raises a good many interesting questions of medieval law and social custom. When there is such a large proportion of good work there is little to say for a reviewer save a few hearty lines of general commendation. Such warm praise Mr. Bolland fully and entirely deserves. If the great bulk of what follows deals with more or less minute points of criticism, it must not be thought that they have any material effect in detracting from the merits of a solid and well-executed edition. Many of them are more in the way of corrigenda than of complaint, and nearly all are trivial.

Some incuriousness or lack of knowledge of the non-legal sources of history is perhaps Mr. Bolland's worst weakness, which he is correcting by degrees. Thus his return to his discussion in a previous introduction as to the right of the archbishops of Dublin, 'not being Irishmen', to present to the deanery of Penkrigde, though interesting as revealing that he has now discovered the Charter Rolls in the Public Record Office, still shows no knowledge that the charter in question has been in print in the *Rotuli Cartarum* of John for some eighty years. And other easily accessible sources, such as the Calendars of the Patent and Close Rolls, would have enabled him to supplement the proof that there were deans of Penkrigde, by no means all of the archbishops' appointment, for the forty years before 1259. We welcome, however, Mr. J. G. Wood's new addition to the list in Elias (p. xxxix).

Another correction might have been made by Mr. Bolland with reference to the keepers of the rolls of the common bench. On p. xvii he suggests that the John of the Moor who sent the transcript of a record from the roll of the bench to the justices in eyre was the actual *custos rotulorum et breuium de banco* in 6th Edward II. This, however, is not the case, as John Bacon held that office from 1292 to February 1313, and was succeeded by William Raven.¹ As these appointments were made by patent, there should have been no need to make guesses in the matter. Indeed in Mr. Bolland's own 'Note from the Record' of one of his cases, we actually find Bacon acting as keeper of the records of the bench down to Easter term 5 Edward II.² The whole problem is, however, puzzling, and the suggestion that rolls of the bench only remained for a limited time in the possession of the bench or of its individual judges, and were then deposited in the exchequer, hardly satisfies one as complete. It is true that the evidence that the exchequer kept copies of plea rolls is overwhelming. But what was the 'keeper of the rolls of the bench' for, if he also did not keep transcripts of these records? Is it possible that, as the common bench normally sat at Westminster, hard by the quarters of the exchequer, they were deposited in that great centre of records for safe custody, just as modern government offices send their records from time to time to the Public Record Office? If the exchequer needed these judicial records for practical purposes, the judges of the common bench would surely have had a still more immediate need to have them easily accessible for themselves.

¹ See the list of chief clerks of the bench in my *Place of Edward II in English History*, pp. 372-3.

² p. 111. Bacon is only called 'clericus regis'; but it is clear he is acting in his official capacity.

But there was probably a deep line between the theory and practice of medieval record keeping.

There was doubtless also a similar discrepancy between the ideal and the actual in the case of the custody of the plea rolls of the sheriffs, containing records of common pleas in the county court. Mr. Bolland (p. xviii) quotes the sharp answer of Mutford to the sheriff who said that the sheriffs' rolls were kept, not in the treasury, but by the sheriffs themselves. Mutford's retort was that the men who plead before sheriffs got but their labour for their pains. But here also the prejudice of the exponent of a rival judicial system may have sharpened the justice's wit. There is plenty of evidence that, in the numerous cases where the sheriff was also *ex officio* keeper of one or more castles within his jurisdiction, the outgoing sheriff was invariably directed to hand over to his successor the county and the castle in question 'with the rolls, writs, memoranda, and other things touching that office'.³ This suggests not only the formal transmission of records from one official to another, but for numerous counties also some sort of local record office, such as reformers nowadays vaguely hope to see established. But here again practice and theory may have been at variance, and anyhow medieval sheriffs' records are even more to seek than the records of feudal magnates and of the household offices.

A few miscellaneous points may be noted, though they are of no great importance. On p. 127 there seems no reason for doubting the reasonableness of a claim of common of pasture in a *cultura*. Some of the notes are not very illuminating; there are more 'vennels' in Scotland than the 'alley leading out of the south-west corner of the Grass Market in Edinburgh' (p. 144), and the 'Morthen' is a district in the West Riding, not a place '4½ miles south-east of Rotherham' (p. 160). 'Dean of Chester' on p. 244 is a bad shot for the 'decanum Cicestrensem' of the next, and 'in the quindenens of Easter', on p. 244, does not suggest the 'fixed day' necessary to bring out the meaning of the Latin. Again, on p. 214, 'coram abbate . . . loci ordinarii' is a neglect of proof reading when *ordinario* is clearly the grammatical text, and there is perhaps something analogous in the twice repeated 'proximo sequentis' of p. 219. There are some trifling slips in translation, such as the threefold 'bishop' for 'ereuesqe' on p. 237.

Among a multitude of small interesting points may be noted the interpolations of the reporter or scribe, sometimes criticizing (p. 95) and sometimes commending (p. 24) the decisions of the court; the reference to William I's spurious foundation charter of Battle Abbey (p. 15); and the amount of discretion allowed to chancery clerks in drawing up judicial writs (p. 95).

T. F. TOUT.

Accounts of the Lord High Treasurer of Scotland. Edited by Sir JAMES BALFOUR PAUL, Lord Lyon King of Arms. Vol. XI: 1559-66. (Edinburgh: H.M. Stationery Office, 1916.)

THIS volume is the last of the series which we may expect to welcome for some years to come. The first volume (1473-98), to which the editor,

³ See, for instance, *Cal. of Fine Rolls, 1317-27*, p. 35.

the late Thomas Dickson, contributed a preface which is still the best authority on some aspects of the history of Scottish finance, was published in 1877, but the issue was at once suspended, and was not resumed until 1900, when Sir James Balfour Paul published the second volume (1500-4). Since that date, the volumes have followed at regular intervals, and the prefaces have been specially valuable to students for the editor's investigations into such obscure topics as the history of the Scottish navy and of the Scottish artillery, as well as for numerous suggestive sidelights upon sixteenth-century political history. Now 'the exigencies of public affairs' have brought about a second suspension of the publication of the series (as they have also brought about, in the reviewer's small way, an unconscionable delay in the appearance of this notice). It is particularly unfortunate that it was not practicable to arrange for the issue of volume xii, which would have brought the published records down to the close of the reign of Queen Mary.

The accounts for the years 1559-66, which form the text of the present volume, are, unfortunately, far from complete. The account which closed volume x was dated 24 March 1559, and the first of the four accounts included in vol. xi begins on 31 December 1559, and, though it was not rendered until 5 March 1561, it contains no entries after the death of the Queen-Regent on 11 June 1560. There is a third and still more serious gap from 28 February 1563 to 16 January 1565. Not only are the accounts incomplete, but they are of unusually little value for the general history of the country. Almost the only hints of the existence of any religious or political disturbance are to be found in entries of the fees paid to special messengers. The real interest—and it is considerable—is a contribution to the history of costume and of domestic furniture. There are numerous records of payments for the dresses of the queen and her ladies and for the garments which clothed Darnley's long person. Traces of the Wars of the Congregation are to be found in warnings about devices to be adopted in the event of an English invasion in 1560, and in orders for supplies for the French soldiers; there are hints of the Run-about Raid in an order (23 July 1565) to the lieges to attend the Queen at Edinburgh 'weill bodin in feir of weir', and with a fortnight's provisions, and in similar proclamations in August; and the pursuit of Rizzio's murderers was the occasion of other notices, none of which add anything to our knowledge. Besides the records of clothing (one of which, the purchase of tartan plaids when the queen was at Inverness in 1562, has some political significance), there is some information about jewels, beds and other domestic furniture, carriages, and horses, and one of the entries gives an example of the use of the word 'postilion' twenty years earlier than the earliest reference in the *New English Dictionary*. Mary was in mourning when she came to Scotland, and she wore white, black, and violet silk, and black velvet. A change to grey damask, trimmed with grey velvet and containing some crimson embroidery, probably marks the 'second dule'. After her second marriage, she seems to have lost her confidence in Scottish dressmakers, though Scottish tailors fitted Darnley with clothes of black velvet, black satin, black taffety, and black silk, the silver lace trimming for which cost £73. The large number of gifts of

clothing to the queen's friends illustrates the generosity in which she was never lacking.

An incidental entry possesses some interest. On 13 April 1565 a boy was paid 12 pence to go from Edinburgh to Musselburgh with an order to the Bailies of the town 'chargeing thame to tak diligent heid and attendence that the monument of grit antiquitie new fundin be nocht demolisit nor brokin downe'. The monument of great antiquity was an altar to Apollo Grannus and other Roman remains discovered at Inveresk. Randolph wrote an account of it to Cecil and preserved the inscription: 'Apollini Granno Q. L. Sabinianus Proc. Aug.' Like others of Mary's behests, the order was not obeyed, and no trace of the altar is to be found.

We congratulate the Lyon King upon the ten volumes which have occupied much of his time for nearly twenty years. He and, it should be added, the compiler of the excellent series of *Indexes* have rendered a great service to Scottish history.

ROBERT S. RAIT.

Geschiedenis eener Hollandsche Stad. Door P. J. BLOK. Deel III. ('s Gravenhage: Nijhoff, 1916.)

THE third volume of Professor Blok's revised and enlarged edition of his history of Leyden carries the story on from the siege of 1574 to the end of the Republic in 1795. The records of few European cities can compare in the intensity and many-sidedness of their interests with those of Leyden during this period; and Mr. Blok's own unwearied researches, assisted by recent monographs on the university, the printers, and the cloth industry of Leyden, have enabled him to illustrate all the leading aspects of its history with remarkable fullness. Two of the earlier chapters deal with the war of independence and the ever-memorable siege; the closing chapter is concerned with the Dutch politics of the later revolutionary period, and on this newer background of national history is displayed, with a continuity that is as admirable as it is rare, the transition from medieval to modern Leyden. That transition was the time of Leyden's pre-eminence. In the seventeenth century there were no greater names in their several spheres than those of Arminius, Rembrandt, and Elzevier, and the general reader will probably feel a greater interest in the chapters on the 'Arminians and the Gomarists', on the University, and on 'Art and Letters' than in any other part of this volume.

In the work as a whole, however, it is the municipal, social, and economic developments that occupy the place of central importance, and it is the special merit of Mr. Blok's thoroughness that it enables us to make a continuous study of each of these aspects. The population of the city underwent remarkable fluctuations in the course of an unusually eventful history. Numbering about 5,000 in 1400 and about 20,000 in 1514, it had declined, owing to the decay of its cloth industry, to 15,000 before the siege and sank even lower by 1581, but, recovering rapidly by the influx of Flemish and Walloon protestants, it rose to 50,000 by 1640, and at the end of the seventeenth century numbered about 70,000. After the middle of the eighteenth century it again declined to 28,000 in 1793.

The second period of civic prosperity indicated by these figures was primarily due to the renaissance of the cloth manufacture, by the introduction of those new draperies—bays, says, grograins, fustians, &c.—which played so large a part in the industrial history of contemporary England. (It is interesting to find that some of the Flemings who had at first fled to England returned in 1577 to settle in Leyden.) In 1612 there is a record of production within a year of 47,000 pieces of says and grograins, of 10,000 bays, of 22,450 fustians, and of lesser quantities of other textiles. For the success of this development it was essential that the old 'civic economy' should give place to a larger 'territorial economy', and accordingly we find the city negotiating throughout the seventeenth century for the purchase of the surrounding lordships within a radius of a dozen miles, partly for the purpose of housing the overflow of industrial population and partly with the object of suppressing country competition. In this mixture of motives lies the most probable explanation of Leyden's subsequent industrial decline. The enlarged economy was in the eighteenth century no longer large or flexible enough to compete with a country industry which, as was the case in England, had been entirely freed from the dominance of civic vested interests.

In the seventeenth century, however, Leyden displayed all the characteristic features developed by industrial capitalism before the factory era. In 1619, and again in 1637, we hear of strikes of wage-earners, followed in 1638 by a decree of the States which required the journeyman to present a leaving-certificate from his last employer. But the trouble continued; and in 1644, after a conference of employers which subsequently became a biennial gathering, the leaders of the workers were banished or imprisoned. In view of these facts it is to be regretted that we learn so little of the later phases in the history of the guilds: especially as seventy of these survived into the eighteenth century, of which four were guilds of journeymen—presumably in nominal subordination to the masters' guilds. An interesting but all too brief account is given of the 'bossen', 'bussen', or 'beurzen' (*Germ.* 'Büchse', *Eng.* 'box', *Fr.* 'bourse'), or friendly societies which covered the transition from the medieval fraternity to the modern trade union. The social and industrial relations of Holland with Brabant were of the closest kind, and a reference to the recent study by M. des Marez, of the seventeenth-century *compagnonage* of the hatters of Brussels, which was based on a *bourse* organization and had ramifications in Holland and France, would have probably enabled Mr. Blok to cast more light on the Leyden 'beurzen'. The study of civic finance is a valuable feature of this as of the earlier volumes of the history.

GEORGE UNWIN.

The Development of the British West Indies, 1700-63. By F. W. PITMAN, Ph.D. (New Haven, Connecticut: Yale University Press, 1917.)

DR. PITMAN has contributed to the Yale Historical Publications a volume on the economic conditions of British West Indies in the eighteenth century which, by means of an exhaustive study of manuscript material in the Public Record Office and other archives, substitutes first-hand knowledge for the sometimes prejudiced, though vivid, statements of

eighteenth-century historians. Here and there the author may not be quite sufficiently critical, as when he seems to cite seriously the violent language of H. Whistler, who accompanied the Jamaica expedition of 1655, regarding the population of royalist Barbados; and in dealing with the subject of illicit trading he has omitted to remind us that many of the dispatches cited as Colonial Office manuscripts have been printed in the published correspondence between W. Pitt and colonial governors. Again, in his concentration upon economic factors, he ignores the evidence of local patriotism shown by the political pretensions of the seventeenth and eighteenth centuries. But these things are trifles, and in no way detract from the merits of a most valuable book.

Amidst the mass of detail here accumulated certain fundamental conclusions seem to emerge. The dominance of sugar in the West Indies involved the decay of the poor white settler, and the increase of large properties worked by slave labour. Such a system tended to produce absenteeism, which, in turn, fostered the existence of a powerful West India interest in London which worked in favour of the planters' as opposed to the merchants' interests. The interests of these rich planters were by no means identical with the interests of the islands, as it might be more profitable for them to grow less sugar at a high price than to have the price brought down by new lands being brought under cultivation. 'Towards the middle of the century', we are told, 'it was perfectly apparent that the West Indians were manipulating legislation for the sole purpose of elevating prices in England.'

But it was not only Great Britain or the West Indies that were concerned with these questions, they also had a considerable bearing upon the relations between the continental colonies and the mother country; and a main merit of this volume is the manner in which the influence of the Molasses Act of 1733, and the illicit commerce thereby occasioned, upon the temper of the American colonists is lucidly demonstrated. Dr. Pitman starts with the proposition that 'reflection on the comparative extent, both in area and population, of the British colonies in the temperate and tropical zones impresses one with the inequality of these regions as complementary trade areas. . . . The empire was overbalanced on its temperate zone side.' The French empire being in the precisely opposite position, it was only natural that we should find, from the beginning, 'a tendency towards economic equilibrium which paid no heed to political boundaries.' Unfortunately for many of the years between 1733 and 1763 Great Britain and France were at war, so that, apart from the economic objections of the English mercantilist, there was the political treason involved in a trade between the colonies and the enemy. In Dr. Pitman's opinion a priceless opportunity was lost when, at the Peace of Paris, the French sugar islands were restored to France. Their retention could have given to the empire a proper balance between temperate-zone and tropical colonies and could have solved the most vital commercial need of North America as well as of England. Given the existing economic conditions Dr. Pitman seems inclined to think that the decision to prefer Canada to Guadeloupe was, at the time, wrong; though, on more general grounds and looking to the future, we may rejoice at that decision.

The Peace of Paris marked a momentous crisis in the history of the empire. Through it the planting interest came triumphant. Its position of monopoly was practically undisturbed; Great Britain and America were still exposed to exploitation by an interest whose aims were well understood. . . . The Treaty of Paris, the Sugar Act of 1764, and the administrative reforms of Grenville, revealed a firm determination to restrict America to the same old markets which time and again had been proved inadequate for either England or America. It is not surprising that murmurs about 'the inconvenience of being British subjects' grew louder in the northern colonies. The West India planting interest had laid substantial foundations in the realm of economic life for that great discontent which culminated in the American Revolution.

Whether or not we agree with all its conclusions, it is difficult to exaggerate the importance of this volume from the point of view of the economic history of the British empire. H. E. EGERTON.

La Révolution Argentine, 1810-16. Par JOSÉ P. OTERO, Docteur ès lettres. (Paris: Bossard, 1917.)

THE dates set down in the title of this book have a precise significance. When news reached the River Plate that Spain had been overrun by the French invaders, the city of Buenos Aires appointed a Junta or Constitutional Convention and deprived the Spanish viceroy of his functions. Thus local independence was practically achieved in May 1810; but it was not until 1816 that the congress of Tucumán, in which most of the provinces of the viceroyalty were represented, formally declared those provinces to be independent of the mother-country and of the Spanish monarchy. Señor Otero traces, in a clear and excellent narrative, the course of the Revolution during those six years of demolition and of efforts after reconstruction. He shows how the British invasions of 1806-7 and their repulse prepared the way for independence, and then narrates the steps whereby the community, which had thus proved its capacity for self-defence and for local organization, attempted the more difficult task of founding a new polity and binding the provinces of the former viceroyalty into a single state. Particular emphasis is laid on the activities of a small group of men who acted as a kind of self-constituted committee of advice and pushed the Revolution towards its logical conclusion of complete independence. From among these Señor Otero singles out, as the central inspiring influence of the Revolution, the young lawyer Mariano Moreno, the student of French political philosophy, the translator of Rousseau, the enthusiast for the ideas of 1789. For in these ideas the author finds not indeed the origin of the Revolution, but the interpretation of its spirit, character, and aims. This is the main thesis of the book—*l'influence de la philosophie libératrice de la France dans notre premier cycle historique*. And it is clearly shown that *la doctrine démocratique de la Révolution*—to use the author's own words—was a powerful guiding motive to some of the leaders, notably Belgrano and Mariano Moreno. Señor Otero's interpretation of the Revolution by the formula *peuple et souveraineté* would have gained in interest and completeness if, instead of stopping short at 1816, he had added a brief review of the events of the succeeding generation from the same point of view.

In dwelling particularly upon this very notable French influence,

Señor Otero hardly does justice to the thoroughly Spanish methods which marked the transfer of authority across the Atlantic and the earlier stages of the Revolution. He himself points out how the emergency of the English invasions was met by local forces, which found their means of action in the *cabildo* or municipality, and how the same forces, acting through the same channel, afterwards met the second great emergency of the collapse of the mother country. In the initial steps of the Revolution, Spanish tradition and constitutional precedent were closely followed, and these American Spaniards proceeded to undertake the management of their own affairs in the manner that was customary among Spaniards both in the Peninsula and in the Indies. It is perhaps indicative of the trend of Argentine political thought that the North American Revolution is only once mentioned, in a single line. And the influence of English constitutional methods is left to be inferred rather than distinctly stated.

The preliminary account of the work of Spain in America is the least satisfying part of the book, particularly the general sketch given under the heading *Absolutisme Espagnol*. The Spanish system is here exhibited in juridical theory rather than in action; and some important branches of administration are treated with a brevity which sometimes fails to attain accuracy. The author's main argument would be strengthened by a revision of the statement concerning popular election to the *Cabildos*. The chapters on Spanish rule in the River Plate are less meagre, but they hardly picture the vigorous and independent activities of the early settlers, and nothing is said concerning the agitated life of the *turbulenta república* of Asunción, which for two centuries claimed the privilege of appointing its governors in case of vacancy, and occasionally created vacancies in order to exercise that privilege. *Depuis la découverte du Rio de la Plata jusqu'à la création de la Viceroyauté, aucune idée véritablement civilisatrice ne brille dans ce lointain monde américain.* Such is the author's sweeping judgement. With the erection of the viceroyalty of Buenos Aires in 1776, the narrative becomes more spirited and more sympathetic, and full justice is done to the administrative and economic reforms effected during the last thirty years of Spanish rule.

Señor Otero writes as a Porteño, a Buenos Aires man. His view seems to be that all the provinces of the viceroyalty owed allegiance to the emancipated capital as soon as the capital had dethroned the viceroy. The course of the Revolution is shown to be distinctly municipal and local in its earlier stages; yet he has no patience with local action elsewhere unless it agrees with *la pensée directrice de la capitale*. The three provinces which were not represented at the congress of Tucumán are labelled as 'rebellious provinces', and the Banda Oriental, now the Republic of Uruguay, is described as an 'Argentine province' and 'Argentine territory'. It is natural and indeed essential to clearness that the narrative should centre in Buenos Aires; but notable events which occurred elsewhere do not always receive proportionate treatment. Thus Señor Otero's narrative would lead one to suppose that Auchmuty entered Montevideo unresisted in 1807, whereas in fact the place was taken by assault with heavy losses on both sides. On the other hand, where Señor Otero feels himself to be at home, in Buenos Aires, he is an admirable guide.

At the present time, when the Latin-American republics are being drawn into the main current of world history, the publication of this book has a special interest and value. For it illustrates the fact that the South American movement of independence was no less a part of European history than the North American Revolution, and that the Argentine Republic is a European community in origin, sympathies, and character. German writers and speakers on Latin-American affairs declare with mortification that the intellectual debt of Latin America to France is a formidable obstacle to German cultural and economic designs across the Atlantic. Señor Otero's generous acknowledgement of that debt is a good omen for the Argentine's future relations both with her American neighbours and with Europe.

F. A. KIRKPATRICK.

The Great European Treaties of the Nineteenth Century. Edited by Sir AUGUSTUS H. OAKES and R. B. MOWAT. (Oxford: Clarendon Press, 1918.)

THIS is a useful book for the layman who desires to make himself acquainted with the provisions of the chief European treaties from the treaty of Vienna, 1815, down to the treaties of London and Bucharest of 1913, concluded after the first and second Balkan wars. Each section is preceded by a short introduction narrating the principal events which led up to the conclusion of the respective treaties. The words 'of the Nineteenth Century' are not to be taken quite literally. Thus, the important treaties of Tilsit (1807) and of Chaumont (1814), the latter of which may be regarded as the origin of the 'Concert of Europe', and that of Unkiar Skelessi (1833) and even of Kutchuk Kainardji (1775), which contained the germs of the Crimean war, might well have been included. The text of the crucial article of the latter is, however, given at p. 159. It clearly conferred on Russia a right of remonstrance if the Porte failed 'to protect firmly the Christian religion and its churches', and even to proceed further if such remonstrances were disregarded.

Chapter i contains an accurate account, on the whole, of the technicalities which govern the conclusion of treaties. Some observations on this chapter will be found further on. A vital question which has come into prominence in connexion with the present war is that of treaties of 'guarantee'. Probably we ought to be careful how we use this term, and to avoid as far as possible employing it in a non-technical sense, as is done at p. 22. There it is said that by article XII of the treaty of Paris of 30 May 1814 Great Britain guaranteed most-favoured-nation treatment in India to French subjects and commerce. But the word in the French text, undoubtedly the original, is merely *s'engage*, the word 'guarantee' being adopted in the English version, where a better rendering would be 'undertakes'.

A more important point is the distinction, if there be one, which attempts have been made to draw between a joint and several guarantee of neutrality, such as is alleged to have been given by the five Great Powers to Belgium, and the 'collective' guarantee in the case of Luxemburg. Space does not admit of a full discussion of this question, but it

may be pointed out that in article XXII of the treaty of Paris of 1856 the phrase is 'sous la garantie des Puissances contractantes' with regard to the Principalities, while in article XXVIII the rights and immunities of Serbia are placed 'sous la garantie collective des Puissances contractantes', where there can be no doubt that the intention was to give to each of those states the same guarantee.

At the conference of London, 1867, which settled the Luxemburg affair, Lord Stanley had proposed a wording that the Grand Duchy, *sous la garantie des Cours* of the five Powers, *formera désormais un état perpétuellement neutre*. The Prussian plenipotentiary, having expressed the hope that the same guarantee would be given by the Powers to the neutrality of Luxemburg as was enjoyed by that of Belgium, accordingly proposed the following paragraph, which, after some hesitation on the part of Lord Stanley, was added to the article: 'Ce principe [i. e. de neutralité] est et demeure placé sous la sanction de la garantie collective des Puissances signataires du présent Traité, à l'exception de la Belgique, qui est elle-même un État neutre.' It is clear that the proposer regarded this form of words as having the same force as the formula adopted in 1839 in the case of Belgium. Lord Stanley had previously remarked that the terms of his draft were identical with those employed in 1839. A considerable amount of discussion as to the meaning of 'collective guarantee' took place in both houses of parliament, and the British government of that day maintained the view that it did not imply that the guarantors were bound by themselves individually. We find it difficult to agree with this opinion, which, as the authors of the book before us observe, tended to destroy the value of the guarantee if one of the parties chose to disregard it (p. 258). And considering that diplomatists are not lawyers, it appears unlikely that they would draw a distinction between 'la garantie des Puissances' and 'la garantie collective des Puissances'. It should moreover be remembered that the guarantee in favour of Belgium is nowhere stipulated to be joint and several. It can scarcely be alleged that a mere plural 'des Puissances' has this effect. As another variation may be cited article VII of the treaty of 1856, by which 'Leurs Majestés s'engagent, *chacune de son côté*, à respecter l'indépendance et l'intégrité territoriale de l'Empire Ottoman; garantissent *en commun* la stricte observation de cet engagement'. Then Austria, France, and Great Britain, conceiving a doubt whether Russia would respect this engagement, entered into a separate treaty which declares that: 'Les Hautes Parties Contractantes garantissent solidairement entre elles l'indépendance et l'intégrité de l'Empire Ottoman, consacrées par le Traité conclu à Paris le 30 mars 1856.' This step was doubtless taken by the three Powers because Prince Gortchakoff had observed at the sitting of the Vienna Conference on 19 April 1855 that the proposed wording 'les Puissances Contractantes s'engagent mutuellement à respecter l'indépendance et l'intégrité de son territoire [i. e. de l'Empire Ottoman] comme formant une condition essentielle de l'équilibre général' did not involve any territorial guarantee.

It seems often to be forgotten that in addition to the treaties of 1839 between the five Powers and Belgium, the five Powers and Holland

(officially styled the Netherlands), and between Holland and Belgium, the German Confederation on the same day acceded to the first seven articles of the twenty-four of this set of treaties. Luxemburg since 1352 had been styled a duchy, and was in 1815 promoted, one might say, to the rank of a Grand Duchy. This change was meaningless, just as was the title of Grand Duke conferred on the Dukes of Holstein-Oldenburg, Mecklenburg-Schwerin and Mecklenburg-Strelitz, and Saxe-Weimar by articles 34, 35, and 36 of the treaty of Vienna.

In leaving this subject we must remark that the statement on p. 139 that 'The Treaty of 1839 imposed upon Belgium the heavy burden of defending her territory against any State, however powerful, which should try to get a passage for troops, or a base of operations in her territory' is at most a mere inference of international law from the obligation to observe perpetual neutrality towards all other States, as the complement of the status of a perpetually neutralized state conferred on her by article VII. From the way in which it is put, the reader might suppose that the treaty of 1839 actually contained, in so many words, a stipulation respecting self-defence. And on p. 258 we find it said that by the treaty of 1867, although 'Luxemburg, like Belgium, was bound by treaty to observe neutrality towards all other States, yet she was not bound to *defend* that neutrality by force of arms', where the mention of Belgium seems to suggest that Belgium *was* so bound.

The authors have made a good point in recalling (pp. 170 and 316) the stipulation in article XIV of the treaty of 1856, by which Russia was bound as well as the rest of the contracting parties, namely, that the Black Sea Convention 'cannot be either annulled or modified without the assent of the Powers signing the present Treaty'. So Russia was clearly out of court in 1870 when she declared by the mouth of Prince Gortchakoff that she would no longer be bound by that Convention. They have also done a public service in calling attention to the fact that in the reprint of the protocol of 3 February 1830, in the Parliamentary Paper of 1898, entitled 'Treaties containing guarantees or Engagements in regard to the territory of other governments', there is a serious omission, without any official indication that the document is incomplete. The words left out are: 'No troops belonging to one of these contracting Powers shall be allowed to enter the territory of the new Greek State without the consent of the two other Courts who signed the Treaty' [i. e. of 6 July 1827].¹

Some minor inaccuracies may be noted. At p. 4 it is stated that the king's ratification of a treaty is sent to the British representative at the court of the other signatory Power. This will obviously not be done where the treaty has been concluded in London, in which case the ratification article will provide for the exchange taking place there. To say (as at p. 5) that in the United States the treaty-making power is vested in the Senate, and to speak of 'a treaty duly ratified by the Senate', is not a very correct way of describing the process. It is the President who negotiates and ratifies treaties, but the act of ratification must be preceded by a resolution passed in the Senate by two-thirds of the Senators present and voting to the

¹ See article by Dr. Ronald M. Burrows in *New Europe* of November 9, 1916, i. 20, quoted by the authors at p. 113.

effect that they consent to and advise the ratification of the treaty. So far is the treaty-making power from being vested in the Senate, that even after such a resolution has been passed, the President may still decide not to ratify, or he may withdraw from the Senate a treaty that he has sent to that body for its approval. On p. 6, after a statement that in the case of general treaties between several Powers the plenipotentiaries sign in the order of the French language, we are informed that ' Nevertheless, the British copy of the General Act of Brussels of 1890 was signed first by the British Plenipotentiaries '. What was done on that occasion was, however, entirely in accordance with rules. So also, on p. 7, the authors report that in the British copy of the treaty of Berlin of 1878, Great Britain came first in signing, *then Turkey*, then the others in alphabetical order. But at p. 360, in their reproduction of the text, the Turkish signatures are put last. The probability is (for the original of the treaty, kept at the Public Record Office, is at present not available for consultation) the plenipotentiaries of the great Powers signed in column on the left hand, the British plenipotentiaries signing first in their copy according to rule, and the Turkish plenipotentiaries by themselves on the right. These apparent variations are explained by the *alternat*.

On p. 36 it is stated that when the monarchs of Austria, Prussia, and Russia met at Troppau and Laibach ' Great Britain stood aloof from these proceedings '. If ' stood aloof ' means that Great Britain took no part, it seems incorrect, since she was represented on both occasions. P. 107, the Bay of Navarino is wrongly located on the south-east coast of the Morea. It is on the south-west. P. 129, ' No. IV ' of the secret articles of the treaty of Paris of 30 May 1814 should be ' No. III '. P. 160, ' By the end of the year 1852, Napoleon III, who had in the previous year succeeded in making himself Emperor of the French : ' ' previous year ' is a slip. The *senatus-consultum* which proposed to confer the title of emperor on Louis Napoleon was dated 7 November 1852. P. 165, ' In 1807 (7 July) Napoleon and Alexander I made peace at Tilsit. The two Powers became Allies ; Secret Articles provided that Russia was to aid Napoleon in his conflict with England, France was to help Russia in her designs upon Turkey. ' The compacts signed at Tilsit consisted of a treaty of peace, seven *Articles séparés et secrets*, and an offensive and defensive alliance. Articles 4, 5, 6, and 7 of this alliance (which was to remain secret) concerned England, and article 8 was directed against Turkey. All these documents have been published over and over again. They are given by F. de Martens at p. 325 of vol. xiii of his *Recueil des Traités et Conventions*, &c.

P. 185, in reproducing the English version of the Declaration of Paris, it would have been advisable to reprint also the extract from protocol no. 24, which provides that any future arrangement entered into respecting the rights of neutrals in time of war must be based on the whole four principles contained in the Declaration, i.e. that no Power should be admitted to accede to, say, three of the principles and reject the fourth. It is an essential portion of the Declaration. P. 192, ' The question of submitting the treaty [of 8 May 1852, by which the order of succession to the Crown of Denmark was regulated] to the Diet of the Germanic Confederation was decided in the negative. ' It should have been added that

it was the Danish government alone which took this negative decision. P. 374, it might have been stated that articles I, III, and IV are published at pp. 212 and 213 of the Austrian Red Book, *Diplomatische Aktenstücke betreffend die Beziehungen Österreich-Ungarns zu Italien in der Zeit vom 20. Juli 1914 bis 23. Mai 1915*, and article VII at p. 203.

Taking the work as a whole, though it is not likely to afford much new knowledge to the student of international history, its value to the general reader who cares to inform himself on these matters is incontestable.

ERNEST SATOW.

The Origins of the Triple Alliance. By ARCHIBALD C. COOLIDGE. (New York: Scribner, 1917.)

THIS work by Professor Coolidge of Harvard University consists of three lectures given in 1916 at the university of Virginia. Occasionally the narrative goes somewhat beyond the scope marked out by the title; for instance, in chapter ii the account of the decline of Turkey and of the dealings of the Powers with her is told at considerable length: but in lectures this is a fault on the right side, and the result is to reveal the connexion between the Eastern Question of 1875-8 and the *Dreikaiserbund* described in chapter i. That chapter is to be commended for its careful and luminous survey of the position and relations of the Great Powers in 1870-5, as well as for its account, sufficiently pointed yet prudently restrained, of the Franco-German crisis of the spring of 1875. Mr. Coolidge adduces sufficient proofs for believing that there was very real danger for France in the threats of the military party at Berlin; and his narrative is far fuller and more convincing than the one-sided reference to this incident given by Professor Hermann Oncken, in the *Cambridge Modern History*, vol. xii, ch. vi. Another valuable testimony is that of Lord Odo Russell, cited by the late Sir Mountstuart Grant Duff in his *Notes from a Diary* (1886-8), i. 129; also that of Lord Derby cited by C. Gavard, *Un Diplomate à Londres*, which shows that Lord Derby believed the crisis to have been serious. These sources tend to increase our conviction that Moltke and the General Staff really harboured the design of crushing France, and that Russia and Great Britain played an important part in averting war. Lord Derby's words to Gavard also assign more importance to the action of Queen Victoria than Mr. Coolidge allows (p. 62, note). Further, the words of Alexander II and Gortchakoff to the French envoy, Gontaut-Biron, at Berlin, in September 1872, showed that Russia, even then, did not intend to allow Germany a free hand against France, and that they considered France to be necessary to Europe as a make-weight against the German Empire. In view of these facts, Mr. Coolidge's statement that in 1872 'France could only look on, lonely and helpless', a little overshoots the mark.

Following Wertheimer and Fournier as the chief sources, he gives an interesting account of the bargaining that went on between St. Petersburg and Vienna on Balkan affairs in 1876-7 and shows how it influenced the issue of events; but it would have been well to explain why 'Greeks, Rumanians, and even Serbians protested violently' against the San Stefano treaty.

He shows clearly the causes of the breach of friendly relations between Russia and Germany at and after the Congress of Berlin, and why, after Gastein, the Russian sympathies of William I were overborne by Bismarck, the Crown Prince, and Moltke. Count Mijatovich's *Memoirs* (1917) had not appeared when Mr. Coolidge gave this series of lectures; they prove that the count urged and concluded the Austro-Serb treaty of June 1881, mainly because Austria recognized the justice of Serbia's claim to 'Kosovo and Macedonia, with the exception of Salonica'. The French occupation of Tunis Mr. Coolidge describes adequately, though it might be well to mention the breach of faith (so Crispi represents it, *Memoirs*, ii. 108) of which Freycinet was guilty. He promised that if France seized Tunis, she would inform Italy as long beforehand as possible, and assist her to acquire adequate compensation in the Mediterranean. The failure to fulfil this (alleged) promise drove Italy into the arms of the Central Empires. It is also desirable to add that Article VII of the Austro-Italian treaty of alliance, providing for 'reciprocal compensation for all advantages, territorial or otherwise, which either of them may obtain beyond the present status quo' in the Balkans and Turkey, was used by the government of Rome in support of their claim for compensation, which took the form of *Italia irredenta*; and this claim led to the rupture of May 1915.

J. HOLLAND ROSE.

The Law and the State. By LÉON DUGUIT, translated by FREDERICK J. DE SLOOVÈRE. *Harvard Law Review*, Special Number, November 1917. (Cambridge, Massachusetts: Harvard University Press.)

For the last fifteen years M. Duguit has been known as the chief representative in France of those theories of the state which constitute a reaction from 'neo-Hegelianism'. He will have nothing to say to the personality of the state or to its sovereignty: he believes very little in rights, whether those of the state or of the individual, and prefers to rely on the duty of co-operation towards the fulfilment of social needs. For the full statement of his view and for his detailed replies to the criticisms which have been brought against it, the student must still refer to M. Duguit's earlier works: the present volume, though it leads up to a brief statement of the author's solution of the problem and of the main difficulties that have been found in it, should rather be regarded as containing prolegomena to that statement, the object being to show that other solutions have broken down. The question is whether the state can be regarded as itself subject to legal principles, or whether it can only be looked upon as containing the origin of all such principles and being therefore in the last resort superior to them. The consequences of the latter view to international law, and not to international law only, are obvious.

M. Duguit begins by considering the principles of 1789 and the attempts to regard individuals as possessing natural rights antecedent to the state: the state is then considered as an institution designed to secure those natural rights, and as forfeiting its claim to consideration so far as it fails to attain that end. The English reader will probably agree with the author's criticisms, though he may think that Ritchie's examination of

Locke's views carries him further than the more modern French writer does. On Rousseau, who comes next, M. Duguit is sympathetic but rather one-sided; Dr. Vaughan's introductions to his edition of Rousseau's *Political Works* are more complete and fairer to the author. In dealing with Kant, M. Duguit does good service in pointing out that the desire to save the greatest of all German philosophers from association with a theory which leads to disastrous consequences has caused recent writers to ignore that side of his doctrine on which there is little to distinguish him from Hegel. On passing to Hegel, we feel that an English translation of a French work is not the best medium for an account of a characteristically German thinker: but the summary is useful so far as it goes, in spite of the Frenchman's frequent charges of obscurity against the German, charges which he is rather too fond of levelling against many of those whom he is discussing, including some writers who at any rate deserve them less than Hegel does.

The subsequent chapters will probably be found to contain more that is new to the average English reader. The accounts of Constant and of Esmein are full and fair, and the criticisms of their views are just. Constant is so certain of the superiority of individual rights over state claims that he is not prepared to allow that there can be any excuse for a minister, a judge, or an officer, who renders any assistance in carrying out the terms of a law which he believes to be unjust. This view seems to deserve the charge of anarchy which has been brought against the opinion of M. Duguit himself; and Esmein, one of those who have brought that charge, only evades the charge in his own case by leaving the problem as he found it and regarding it as in effect insoluble. With the corresponding German authors M. Duguit has naturally less sympathy, but his remarks on Gerber's vague limitations on the power of the state and on Jhering's and Jellinek's doctrine of the state's self-limitation are reasonable enough.

Finally, having disposed of all those 'metaphysical' doctrines which the modern Frenchman maintains the tradition of Comte in disliking, we come to those 'realistic' conceptions among which the truth, as we are assured, is to be found. In an interesting account of Seydel, M. Duguit shows how, from what the French writer believes to be correct premisses, he arrives at an entirely wrong conclusion, and the book ends with an estimate of the manner in which the author regards himself as having strengthened the weak points in a view which was represented by Royer-Collard, Guizot, and Benoist.

It is always easier to find out the weaknesses in a theory than to avoid the corresponding difficulty oneself. There is much that could be said in criticism of M. Duguit's positive theory. But that should not prevent us from feeling grateful to him for his illuminating analysis of his opponents' opinions, to Mr. de Sloovere for rendering the book accessible by translation, and to Mr. H. J. Laski for a valuable supplementary note which shows the affiliation of M. Duguit's views to those of other recent and contemporary writers.

P. V. M. BENECKE.

Short Notices

Christianity in History, a Study of Religious Development, by Dr. J. Vernon Bartlet and Dr. A. J. Carlyle (London: Macmillan, 1917), is in five parts: I, the Beginnings, Jesus the Christ, and Apostolic Christianity; II, Ancient Christianity, which carries us down to the beginning of the Middle Ages; III, the Middle Ages; IV, the Great Transition; and V, the Modern Period. Of these parts the second and third take up 380 pages out of some 600. The writers state that their aim was to give something between a history of the Christian church and a sketch of the development of Christian doctrine. There is, therefore, much in the book that perhaps lies rightly outside the special interests of this Review. If a reader were to turn from the first 350 pages of this book, say to the *Essays* lately edited by the late Dr. Swete and Mr. C. H. Turner,¹ he might find it difficult to realize that he was being asked to discuss the same history and the same growth. Here we are asked to consider the metaphysical side of the Christian religion; there is more of speculation than of history; the corporate view of Christianity is subordinated to the individual. The criticism might be passed that more use is made of isolated and peculiar documents than of those which are in the fuller stream of corporate growth and belong to its more typical literature. The early period can be interpreted in various ways: the views and treatment here adopted would meet much criticism on many points; and some of the critics might reasonably plead that what it is the fashion to term the 'institutional' side of Christianity belongs in history to its earlier days and is more fundamental than these pages would lead us to think. In part iii, chapter v on 'Church and State' is, as we might expect, very well done, and it is pointed out with as much vigour as reason that the medieval papacy stood for freedom of spiritual life. Equally good is the treatment of Anselm in chapter vi. In part iv Justification by Faith is discussed with clearness: a needed distinction is drawn between Luther's theology and his personal religion, while the places of Melancthon, Zwingli, and Calvin in Reformation theology are in brief compass trenchantly and well summed up. The characteristics of the English Reformation are put excellently, and 'Anglicanism' is described as succeeding to the position of Contarini. The modern age, which perhaps deserves such chastening, is only allowed some eighty pages, and the work ends on a note of unity. Here and there the detail is perhaps too abundant for the general scheme, and the perspective might be criticized. It is after all easier to sum up the middle ages than the Reformation, or still more our own days. The achievement naturally comes nearer to success where

¹ See above, p. 382.

the task is easier. Nor is it to be thought that the writers in their selection or their statements would command universal assent. But all those competent to form an opinion or to essay such a task for themselves would agree with them more heartily and more generally in the medieval section than in the rest of the book.

J. P. W.

In *Sant' Agostino e la Decadenza dell' Impero Romano* (Estratto dal 'Didaskaleion', Anno iv, Fasc. iii, iv. Turin: Libreria Editrice Internazionale, 1916), Signor Pietro Gerosa discusses the question whether Augustine had or had not any feeling of patriotism for the Roman Empire, on which the affirmative was maintained by Schilling (*Die Staats- und Sociallehre des hl. Augustinus*, Freiburg, 1910) and the negative by Reuter (*Augustinische Studien*, Gotha, 1887), and decides in favour of the latter. The author has made an exhaustive study of Augustine's works, and in the present treatise, in which it would be hard to find an error of fact or of logic, has probably arrived at a correct estimate of his manner of thought; but, as he admits that Augustine urged Boniface to show more vigour in the defence of Africa for the purpose of enabling the Christians to live undisturbed, and even grants that he would probably have welcomed an extension of the Empire if it carried an extension of Christianity with it (pp. 127, 128), the conclusion seems rather academic, and one must doubt if it was worth while to occupy 140 pages over it: indeed in the concluding section the author anticipates some such objection and attempts to answer it by an argument which can hardly be considered satisfactory. In the same section, however, he puts forward without argument statements which would be well worth discussing, viz. that Augustine, as a Christian, could not feel any patriotic sentiment for the Roman Empire, and that his attitude with regard to it was the only one consistent with a full understanding of the spirit of the Gospel. In this connexion some reference might be made to a passage in *De Civit. Dei*, i. 31, where he speaks of 'providentissima patriae caritas', from which it is natural to infer that, whatever may have been his own feelings with regard to the empire of his time, he regarded love of country in the abstract as a virtue, though we may well believe that by this name he meant a genuine wish to benefit one's fellow-countrymen, not, as in modern popular language, a national sentiment or a political aspiration.

E. W. B.

Mr. Joseph McCabe's *Crises in the History of the Papacy* (New York: Putnam, 1916) contains an easily written account of twenty popes, eleven of whom belong to the middle ages and four (Benedict XIV, Pius VII, Pius IX, and Leo XIII) to modern times. The medieval popes are treated, perhaps naturally, with more fullness. The Vatican Council of 1870 is passed over slightly, and the many questions raised under Leo XIII are little more than mentioned. The writer acknowledges his indebtedness to the larger modern histories, among which those of Gregorovius, Pastor, and Creighton are rightly singled out. He has also used older authorities, but has 'had the original authorities before' him throughout, and in the earlier chapters he claims to have weighed carefully the original texts. The scale of the work makes it difficult to test the assertion,

although repeated mistakes, such as Langer for Langen and Killo for Kitts, induce hesitation in the casual reader. But the tone of the writer is, in most respects, fair and the notes refer in most cases to writers of monographs not too well known in England. Here and there historical questions are asked and incompletely discussed, as, for instance, the trustworthiness of Luitprand (p. 130), where his treatment has really no pretensions to be, as the writer calls it, a fresh analysis of the original evidence as to the character of Sergius and popes of the age. What matters more is that, especially in the earlier chapters, there is a tendency to treat the religion of which the popes should have been (and mostly were) the guardians as something rather superficial. The work is not written in the higher planes of historical criticism or of discussion about events, but the writer is both sufficiently informed and skilful in treatment to keep up the reader's interest in an interesting field.

J. P. W.

Mr. G. G. Coulton's *Social Life in Britain from the Conquest to the Reformation* (Cambridge: University Press, 1918) is a volume of extracts from medieval writers and documents, somewhat on the lines of his *Medieval Garner*, arranged according to subjects under fifteen headings. The Latin and French extracts are translated, the English given in the original with adequate explanations of obsolete words. The selection is a thoroughly fair and representative one and is drawn from an extraordinarily wide range of reading. Many of the extracts will be entirely new to professed students of the middle ages, but one is glad to find that Mr. Coulton does not reject old favourites. Occasionally non-British sources are used. Thus some extracts and illustrations (including the tower of Laon with the famous oxen) are given from the note-book of Villard de Honnecourt, the only medieval architect whose sketch-book has come down to us. The translations so far as they have been tested prove trustworthy except in one trifling case where Mr. Coulton thinks it necessary to suggest an emendation. The passage is on p. 130 from Roger Bacon's *Opus Tertium*, ed. Brewer, p. 8, and translates quite well as it stands: 'And yet the foundations are not yet laid, though I have diligently investigated the wood and stones, that is the power of sciences and languages and other things requisite for building the house of wisdom.' The references are not always quite clear: e. g. on p. 332 it is not obvious at first sight that 'p. 561' refers to Riley's *Memorials of London*. A list of authorities cited might be of assistance. The volume should prove not only of much interest and entertainment to the general reader but of real value to the intelligent teacher of English literature and history.

A. G. L.

Among the various medieval works which are of value to the student of history for the light they throw upon matters of fact or ways of thinking, a high place must be assigned to the Old Norwegian treatise *The King's Mirror* (*Speculum Regale*, *Konungs Skuggsjá*), of which an English translation by Professor L. M. Larson has recently appeared (New York: American-Scandinavian Foundation, 1917). To Scandinavian scholars the work has long been well known as one of the most striking products of early Norwegian literature, and the original text has been printed several

times as well as reproduced in facsimile from the chief manuscript, but to others it has remained a source not readily accessible. Mr. Larson's readable translation will now enable any one to make acquaintance with the contents of the treatise, and to judge of its value in connexion with other studies. The work was intended to consist of four parts dealing respectively with the occupations and duties of (1) merchants, (2) kings and courtiers, (3) ecclesiastics, and (4) husbandmen. Of these four parts, however, only the first two are found in the existing text, and it is possible that the design was never fully carried out. It is also obvious that the first part and the earlier chapters of the second are much more interesting than the remainder of the work, which degenerates into tediousness of a typically medieval kind. In the earlier portion the author is never dull, and has much to tell about practical matters, whether he is dealing with the pursuits of the merchant, with the phenomena of the sea and the marvels of foreign lands, or with the ways of courts and methods of warfare. The sections which relate to the natural history and geography of the northern lands have a special value as resting upon actual observation, and the chapter on the wonders of Ireland raises an interesting problem as to the sources from which the author derived his information. The opening chapters of the second part belong partly to the type of 'courtesy books', but enter more deeply into the serious duties and responsibilities of kings and their attendants or ministers, while the chapters on weapons and military engines are valuable evidence for the nature of these in the thirteenth century. Up to this point (the end of chapter 39) there are few pages one would willingly dispense with, but the same can hardly be said for the rest of the seventy; if the author ever finished his task, it is to be hoped that he again became more original and interesting. In the introduction, however, Mr. Larson points out that the author's views on the proper relations between king and church, which are expressed at the end of this part, have a close connexion with Norwegian politics of the time, and help towards fixing the date of the work. It is certainly as well that the translation has been made a complete one, and with the various editorial additions this unique work is now presented to English readers in a worthy form, and gives additional importance to the series of 'Scandinavian Monographs' of which it makes the third volume.

W. A. C.

In *De Rechterlijke Organisatie van Zeeland in de Middeleeuwen* Professor I. H. Gosses of Groningen (Groningen: Wolters, 1917) publishes an exceptionally well got up and solidly-bound study of the judicial organization of a region that touches intimately, at more than one point, the late medieval history of our own country. The author apologizes for the incompleteness of his research in archives on the ground that the extent of material there threatened to prevent him ever accomplishing his task. But to most scholars his study will seem thoroughly scientific and well-documented. After some illuminating geographical and historical explanations which throw clear light on the complicated relations of Zeeland with Flanders and Holland, and show the process by which the *castellania* of Zeeland acquired, especially in connexion with Holland, the

status of a county, Dr. Gosses enters into his main task. This is a detailed juridical study grouped under the three heads of the local court, the *placitum annuale*, and the *curia comitis*. There is much use of comparison with other neighbouring regions, notably with the liberty of Bruges. Index, full contents, and notes leave nothing to be desired for completeness.

T. F. T.

Illustrations of Chaucer's England, edited by Miss Dorothy Hughes (London: Longmans, 1918), deserves a brief notice as the first of a series of 'source-books' promoted by the Board of Studies in History in the University of London. The selection of passages seems to have been well and carefully made, and suitable explanatory notes are given. But it would have been of advantage if a completé and somewhat fuller series of notes on the chroniclers and other sources had been given in place of the rather meagre notice of those which are principally quoted. Professor Pollard, in a general preface, hopes that the series will appeal to others than professed students of history; these others at all events will find something lacking in the unexplained references to 'Wilkins' and 'Foedera'.

C. L. K.

Under the title of *History of the Spanish Conquest of Yucatan and of the Itzas (Papers of the Peabody Museum of American Archaeology and Ethnology, vol. vii)* (Cambridge, Massachusetts: Harvard University Press, 1917) Mr. P. A. Means has published the result of his work as a graduate student in the division of Anthropology during the years 1915-17. His paper, which is a singularly clear and interesting one, reflects credit both upon the author and also upon the Peabody Museum. Mr. Means notes that while the Spanish missionaries 'were quick to destroy the old and long-venerated gods of the Indians, they were unable to replace them with something the Indians were able to understand' (p. 88). The story of the visits paid by different embassies to the island capital of this nation of 80,000 fighting men is full of vivid incident which loses nothing in the excellent translations by Mr. C. P. Bowditch and Señor G. Rivera. In the appendices the author has added much useful information, but it is a pity that in the list of the maps of Yucatan in Appendix iii he did not give fuller titles and indicate in every instance the whereabouts of the original.

H. P. B.

Miss Frances G. Davenport has edited a valuable collection of *European Treaties bearing on the History of the United States and its Dependencies to 1648* (Washington, D.C.: Carnegie Institution of Washington, 1917). The only possible fault that can be found with the volume is its title. It is not clear how such a treaty as that of St. Germain-en-Laye, which restored Acadia and Canada to France, deals with the history of either the United States or of its dependencies. But this is a small matter; what is of importance is that the student of early American history can now find in a handy form the papal bulls and the European treaties, illustrated by excellent introductions and bibliographical notes. No less than four of these documents—proposed treaties between Spain and Portugal in 1526

and 1529, articles relating to the Indies in the treaty between France and Spain concluded at Crépy-en-Laonnois on 18 September 1544, and articles concluded between Spain and Portugal in 1552 regarding a joint use of their naval forces—are here printed for the first time. It is satisfactory to note that a further volume is in preparation, embracing the period from 1648 to 1713.

H. E. E.

In *Holinshed's Chronicles; Richard II and Henry V* (Oxford: Clarendon Press, 1917) Professor H. S. Wallace gives us a foretaste of a larger edition, which he has in contemplation, to cover the period embodied in Shakespeare's histories. It is a consummation much to be desired, and we may hope that in this larger edition we shall have a full critical apparatus. Even in a plain text put forward to meet the immediate requirement of schools, something of the kind should have been supplied. Such references as Abr. Fl. (Abraham Fleming) and W. P. (William Patten) call for explanation. Nor is the mere text of Holinshed sufficient for the purpose of illustrating the Shakespearean presentment of English history. The narrative of Holinshed and his collaborators was not coloured simply by their own bias. For a full understanding that narrative must be traced to its sources, not merely to Hall and Stow, but also to older writers. No edition of Holinshed can be fully serviceable which does not bring into account (for the period under review) his indebtedness to the *London Chronicles*, the *Brut*, and *The First English Life of Henry V*. C. L. K.

We wish we could congratulate those concerned with the publication of Dr. Hamilton Vrieland Jr.'s *Hugo Grotius, the Father of the Modern Science of International Law* (New York: Oxford University Press, American Branch, 1917), on the production of this book. The figure of Hugo Grotius is one of the most notable in the history of learning, and holds an honoured place in that of a singularly interesting period of modern statesmanship; but these pages contribute little or nothing to the existing knowledge either of his life or of his works—unless perhaps, incidentally, in the case of chapters x and xi, which deal with the diplomatic activity of Grotius in France towards the end of his career, and are compiled from his *Epistles* and de Burigny's *Life*. They are preceded by an either superfluous or inadequate summary of the Thirty Years' War to the death of Grotius's royal admirer, Gustavus Adolphus, whence we gather such information as that the kingdom of Bohemia, 'recently added to the dominions of the House of Hapsburg, had heard the voice of Luther across the border, in Saxony, and embraced in its population many Protestants'. The earlier part of the biography is founded on the Dutch *Life* by Brandt, whose translated style it is not easy to distinguish from that of the adapter, which we forbear from illustrating. Proper names he treats with great linguistic freedom; the Counts of 'Borgonje', like the city of 'Leuven', remain in their original tongue, while elsewhere the eminent theologian 'Ioannes Overallus', though Dean of St. Paul's, is not unlatinized. On the other hand, the name of 'John de Vert' appears in something like the form in which it may have terrified the Parisians,

and the much-denounced Governor of Breisach is introduced as ' Baron d'Erlach, attaché to the Duke of Weimar '.

Of the writings which Grotius produced in so wonderfully ample a sequence the account given here is meagre in the extreme. In the case of his translations—and perhaps of his original verse (not always first-rate)—this is pardonable enough, but most readers would be glad to learn something about his ' Martianus Capella ', and certainly to hear more about his tragedies and the nature of the obligations to *Adamus Exul* of *Lucifer*, ' which Professor Leonard C. von Noppen has translated into English so masterfully ' (*sic*). Of Grotius as a theologian rather more is said, and a translation is given, in an appendix, of the Edict drawn up by him after his return from England in 1613. His theological works proper meet with scant mention, and of his Histories that of Holland from 1560 to 1609 with scarcely sufficient notice to warrant the judgement of Brandt, that he was ' the greatest and the most perfect historian that Holland had ever produced '. On the other hand, a chapter is devoted to the curious story of the *Ius Praedae*, composed by Grotius when twelve years old—the age at which he also accomplished the conversion of his mother from the teaching of the Church of Rome. Of this book, until the discovery of the manuscript in 1864, only the famous chapter *Mare Liberum* was published in 1608, when it came to play a prominent part in more than one historical controversy. There seems no doubt that it furnished material to the earlier portion of the immortal work which called into life the modern science of international law. This is indicated in Dr. Vrieland's chapter on the *De Iure Belli et Pacis*; but a satisfactory statement on the subject must be sought elsewhere.

U.

The sixth volume of M. Édouard Rott's *Histoire de la Représentation Diplomatique de la France auprès des Cantons Suisses* (Paris: Alcan, 1917) covers the years 1643–63. While dealing mainly with the relations of France and the Swiss cantons, or with the internal affairs of Switzerland, it includes occasional passages on English affairs, such as a brief reference to John Dury's attempt to reconcile the various protestant sects, which was promoted by Cromwell (p. 385), and an account of John Pell's negotiation for an alliance (p. 414). The intervention of the Protector on behalf of the Vaudois and the action of the protestant cantons in support of it are treated more in detail; the causes which prevented success are explained, and the history of the question is made very much clearer (pp. 414–25). Cromwell's attempt to mediate in the Swiss Civil War is also elucidated (p. 457). In short, without adding anything of much importance to our knowledge of Cromwell's policy, the volume makes that knowledge more precise and complete.

C. H. F.

Mr. E. Prestage's paper on *O Conde de Castelmelhor e a Retrocessão de Tanger a Portugal* is extracted from the Bulletin of the Academy of Lisbon (Coimbra, 1917). When Charles II in 1683 from motives of economy decided to evacuate Tangier, and to destroy the harbour works and fortifications, the count of Castelmelhor endeavoured to persuade the king's government to cede it back to Portugal instead, but without success.

This unsuccessful negotiation is the subject of Mr. Prestage's paper. He prints a memoir by Castelmelhor on the desirability of this retrocession, and the capacity of Portugal to defend and hold Tangier, in which he enlarges on the theme that the interest of Portugal and England is to be always closely united (p. 17). To this are added extracts from three of Barillon's letters proving that Castelmelhor applied to the French ambassador to back him, and that the opposition of Lord Halifax either to the abandonment or to the restoration of the place to Portugal was largely due to the fear lest it should pass into the hands of France (p. 24). This supplements and corrects the account contained in Miss Enid Routh's *Tangier*.

C. H. F.

Compilations of extracts from contemporary documents, printed and manuscript, are becoming common assistants to the study of Indian, as well as European, history. We have not met with a better example of how useful such work may be when it is well executed than in *The Expansion of British India, 1818-58*, by Professor G. Anderson of Bombay and Professor M. Subedar of Calcutta (London: Bell, 1918). The Sikh Wars, the policy of Dalhousie, the Mutiny, are still the subjects of controversial rhetoric, and they are likely to remain so for some time to come; but Messieurs Anderson and Subedar have managed to present the facts on which all sound judgement must be based, with nothing extenuated nor aught set down in malice. The extracts are well chosen, the comments are sober and judicious, as well as genuinely explanatory. Indeed, we have rarely seen a book of the kind so well done. The comments on purely English politics, however, are not always so satisfactory, and there a few errors have crept in. Nor was Archdeacon Hare responsible for the *Story of Two Noble Lives*.
V.

The scope of *Japan, The Rise of a Modern Power*, by the late Mr. Robert P. Porter (Oxford: Clarendon Press, 1918), is comprehensive. Beginning with the dawn of Japanese history, for the dates of which he is content to rely on Japanese authorities, Mr. Porter traces the evolution of Japan through the period of Fujiwara ascendancy, when China became the model for imitation in everything, through the intervals of Taira domination and feudal anarchy, and through the successive eras of dual government, during which Mikados reigned and Shoguns ruled. He deals in passing with the establishment of foreign relations on a treaty basis, with the Restoration and its astonishing results in the creation of a westernized Japan, and brings his narrative down to the end of the year 1916, by which time Japan had for some years won recognition as one of the Great Powers. This précis of Japanese history is written in a spirit of overflowing enthusiasm for things Japanese. In his criticism, for instance, of the foreign pressure which led to the reopening of Japan to foreign intercourse the author shows himself *plus royaliste que le roi*. The reader will be well advised not to dwell too long on the earlier chapters, the subjects of which have been treated more fully and accurately by previous writers, but to pass on to Mr. Porter's concise account of the Chino-Japanese war, and to his interesting and detailed analysis of the Russo-Japanese campaign.

Her war with China opened the eyes of Europe for the first time to the military efficiency of Japan. The results of the Manchurian campaign against Russia proclaimed the advent of a new military power, to be reckoned with in the future councils of the world. The achievements of Japan in more peaceful directions, her progress in the domain of administrative reconstruction, in education, in the field of commerce and industry, and in other branches of national activity, are well described by the author. His book, which is furnished with excellent maps and illustrations, contains much useful information on many matters, and will help English readers to understand better the ability, the enterprise, and the resources of our eastern ally.

J. H. G.

To Germans in 1871 Alsace-Lorraine represented simply the spoils of war, a 'Reichsland' acquired by force in order to 'cement the German states together', and to gratify their sense of victory. Bismarck told the Alsatians that 'it was not in your interests that we conquered you, but in the interests of the empire'. In later times German writers have set to work characteristically to idealize the treaty of Frankfort into an emancipation of Teutonic folk from Latin sovereignty in very much the same spirit as that in which they are now prepared to find racial pretexts for the annexation of Flanders or of any other Naboth's vineyard. Mrs. R. Stawell has translated some loosely-connected articles of M. Jules Duhem under the title *The Question of Alsace-Lorraine* (London: Hodder & Stoughton, 1918), in which he has set himself two objects—first, to expose the system of government in vogue since 1871; secondly, to traverse Germany's alleged historical claims to the two provinces. The first object is easy to attain. German rule has meant almost unmitigated persecution. That French sympathies should have survived so strongly among the people, in spite of the pre-war pacificism of France and the consequent fading hopes of liberation, is the clearest proof of the failure of militarism in Alsace. M. Duhem's arguments on his second point are not always as convincing. He contends that as the Frankfort treaty was forced upon France, it was in no sense 'a sacred peace', like the treaties of 1648 and 1681, that gave the provinces to her. He holds that their people are 'Cello-Latin' by race, already in the dark ages 'once and for all imbued with the spirit characteristic of France'. Both contentions are coloured by rhetoric. The author is on surer ground in emphasizing the non-existence of German national feeling in the seventeenth century. These provinces became French without any idea that they were breaking racial ties. There is some evidence that they genuinely preferred to be governed by Louis XIV. M. Duhem quotes a Prussian minister's description of Alsace in 1709 as 'burning with love for France'. The Revolution completed the process of fusion with the general body of the French nation. Kléber, Kellermann, and Rapp were Alsatians; Custine and Ney came from Lorraine. Whatever doubts there may be as to the original blood of these border people, their French patriotism since 1789 is written large in their history, and is the truest justification of the case for their restoration to France.

G. B. H.

The first volume of Dr. Jean Larmeroux's work, *La Politique Extérieure de l'Autriche-Hongrie, 1875-1914* (Paris: Plon, 1918), is entitled *La Marche vers l'Orient*, and covers the period from 1875 to 1908. It is a weighty and well-informed contribution to the study of international politics, and throws a flood of light on the modern history of Austria-Hungary and the Balkan states. The author ascribes the Austro-German alliance of 1879 (a) to Andrassy, who regarded it as the pivot on which all the non-Slav elements in Austria would rally against Russia; (b) to Bismarck, who overcame William I's objections by describing a united Austria allied to Germany as the buttress of the latter's influence in eastern Europe. Italy joined the Central Powers in 1882 mainly in consequence of French policy in northern Africa, but also with a view to checking the growth of Austrian influence on the Adriatic. No great state appears in these pages to have pursued any consistent or disinterested policy in the near east. Great Britain's diplomacy was no exception to the rule, though its gradual drift from hostility to Russia to hostility to Germany was no doubt due to an instinctive adherence to the theory of the balance of power. Dr. Larmeroux pays a tribute to the work of Edward VII. His account of Austrian policy discloses an astuteness which western Europe failed to recognize before 1914. The whole book is full of irony. We see the Tsar Nicholas I classifying himself with Sobieski as 'the maddest of all the kings of Poland' for having saved Austria; Napoleon III insisting that Prussia should be admitted to the Paris Peace Conference of 1856; Austria championing Serbia's claim to independence in 1878; Great Britain proposing at the Berlin Congress that Austria should occupy Bosnia-Herzegovina, as 'a stop to the union of the Balkan Slavs and an obstacle to their aggrandisement'; western Europe deploring the Serbian *coup d'état* of 1903, which in reality preserved that country for the time being from the powers of darkness. The one sentiment, which never found an outlet in public policy during the period in question, was what is now called 'self-determination'. G. B. H.

Had the chapter on 'The Story of Asia Minor' not been so short and elementary, Professor M. Jastrow's *The War and the Bagdad Railway* (Philadelphia: Lippincott, 1917) would, in deference to his high reputation, have been dealt with by a competent authority. The present volume, however, is mainly a useful and interesting account of the Bagdad Railway, accompanied by political reflexions which, to some of us, are by no means so edifying. A deep distinction is drawn between the war of 1914 and the war of 1917. 'The Russian revolution', we are told, 'was not only a revolt against a government that had imposed a war on its people, precisely as Germany had imposed it, for the purpose of carrying out plans of aggression . . ., it was the first decisive stroke for the triumph of world democracy.' The German emperor, at the time of his visit to Abdul Hamid, is described as 'romantically inclined'. A series of 'internationalized' independent states, Belgium, Luxemburg, Lorraine, and Alsace, are in the future 'to form a continuous barrier between Germany and France'. Brandes was right when he described Persia as 'the Asiatic Belgium'. Mr. Lowes Dickinson is more than once cited as a high authority. With regard to the main thesis of his book, that the

question of the Bagdad Railway was a main contributory cause to the war of 1914, it is not clear how such a conclusion is consistent with the view that Mr. Jastrow also adopts, and which has been made good by the revelations of Prince Lichnowsky, that an amicable agreement with regard to the question had been already arrived at, before the war, by British and German diplomacy. It should be added that the volume is accompanied by an admirable map of the railway system of Asia Minor. H. E. E.

The second and third volumes of M. Auguste Gauvain's *L'Europe au Jour le Jour* (Paris: Bossard, 1917, 1918) reprint his articles in the *Journal des Débats* on foreign affairs 'from the Turkish counter-revolution to the Agadir coup', 1909–November 1911. These hardly come within the scope of this Review, but nevertheless have a real niche in history as being the contemporaneous opinions of a well-informed Frenchman on events leading up to the war of 1914. On many points his insight was notably acute. In December 1910 he drew attention to the certainty of an alliance between Germany and the Young Turks, quoting their pronouncement that new Barbarossas would arise to free the poor Muslim. In January 1911 he predicted a German invasion of France through Belgium. His incisive articles on the Agadir crisis exposed plainly the weakness and worthlessness of the Caillaux-Messimy clique and the determination of Germany to extort the utmost advantage from France's wish for a peaceful settlement. He never seems to have doubted that Germany aimed at war, warning his readers again and again not to put any faith in such alleged sources of confidence as the goodwill of Austria or the rise of socialism in Germany. He did his best to explain British foreign policy favourably, and expressed polite scepticism as to the utility of Lord Haldane's visit to Berlin in February 1912. G. B. H.

The *Annual Register* for 1917 (London: Longmans, 1918) strikes us as unusually well compiled. That it would be well written we could anticipate from our knowledge of recent volumes, but in the exceptional difficulties of the time we were hardly prepared for the amount of information which the editor has succeeded in collecting and judiciously arranging. We have noticed but few inaccuracies. On p. 155] the statement that 'a seat was found for Sir Eric Geddes in the constituency of Edinburgh and St. Andrews Universities' requires correction. It was sought there no doubt, but it was found in the borough of Cambridge. The denunciation of 'Tsarism' on p. 244] is not perhaps quite in place in a book of this sort, and to some it will appear wanting in balance, when the anarchy which supplanted it is borne in mind. The summaries of the Dardanelles and Mesopotamia Reports are very carefully done, but it would have been well to distinguish more clearly between the parts which are quoted textually and those which are given in abstract. On pp. 64 and 70 (middle) the date 1915 should be corrected into 1916. W.

Mr. W. W. Rouse Ball, who last year printed privately a valuable monograph on *The King's Scholars and King's Hall*, has now collected a number of papers treating not only of the great and famous college in

which that hall was absorbed, but also of the university at large. His *Cambridge Papers* (London: Macmillan, 1918) thus fall into two parts. In one he writes concerning Trinity College; its foundation, its connexion with Westminster School, and a variety of other matters, among which we specially value his account of the growth of the tutorial system and the details he gives about expenses. An interesting chapter on 'A Christmas Journey in 1319', the substance of which had already appeared in *The King's Scholars*, relates a journey from Cambridge to York from the Exchequer Accounts. It is curious to note that the scholars travelled all the way by water, except between Spalding and Boston. In the second part, dealing with the university, we learn much about discipline and the use of corporal punishment (at the foot of p. 199 the 'sixteenth century' should be the 'fifteenth'). Of particular interest are the two chapters on Newton, one of which includes a memorandum printed from a manuscript by him on the studies and discipline of the university; and the history of the tripos, which did not become exclusively mathematical until 1824, is written with an intimate knowledge which few besides the author possess. X.

No. lxxviii of the *Proceedings of the Cambridge Antiquarian Society* (Cambridge: Deighton, 1917) contains papers of unusually varied interest. Among them we may mention 'Cambridgeshire Materials for the History of Agriculture', by Archdeacon Cunningham; 'Dr. Dale's Visits to Cambridge, 1722-1738', by the late Professor T. McKenny Hughes, who shows the great extent to which the county was then unenclosed; and 'The Ship on the Seal of Paris', derived from the *marchands de l'eau*, which Mr. H. H. Brindley illustrates with a series of plates. Y.

An especially delightful feature of Mr. Wilberforce Jenkinson's *London Churches before the Great Fire* (London: Society for Promoting Christian Knowledge, 1917) is its large number of admirable reproductions of old engravings, for the most part of churches now destroyed and including Hoefnagel's View of London (1561), Visscher's Long View (1616), Hollar's fine engravings of the interior of Old St. Paul's, looking west, and St. Faith's in the crypt, executed for Dugdale, and an interesting drawing of the original steeple of St. Michael's, Cornhill, before its destruction in 1421. The author's work consists chiefly of notices of the sixteenth and seventeenth centuries of the churches existing in London before 1666, whether now destroyed or still standing. These he has gathered largely from Newcourt and Mr. Hennessy, Stow's *Survey*, and the notes in Mr. Kingsford's excellent edition of it, of which he might with advantage have made more use, and Weever's *Funerall Monuments*, but he has also brought together many from various other works. His book, though agreeable enough to dip into, has no historical importance, and shows an uncritical use of authorities. Mr. Jenkinson is content to copy assertions contradictory one of another or puzzling to himself and leave them to his readers. Some of those which puzzle him are surely simple enough: he confesses, for example, that he does not understand why Howell in his *Londinopolis*, published in 1657, calls St. Paul's a 'dome of devotion', when

the present church with its dome was not yet built, nor the meaning of a record that a 'hearneshaw' sitting on the roof of a church in plague-time was taken as ominous by the 'menialty'. Again, he need not have been in difficulty about a possible connexion of Cripplegate with lame beggars, for the name probably refers to the character of the gate as covered or perhaps narrow. He invents a St. Paul's built by the Conqueror before the church of Bishop Maurice, and furnishes it with a steeple; he refers to the 'National Dictionary of Biography' (*sic*), where of course no such error is to be found, for the statement that Ethelburga, queen of Edwin of Northumbria, was the sister of Bishop Erkenwald; says that St. Olaf of Norway was 'murdered in 1028'; and is not able to explain Stow's notice that a queen of Scots was buried in the Blackfriars church, though as the next name in the list of those buried there is Hubert de Burgh, it would, one would have thought, have been plain that the lady was his wife, Margaret, the daughter of William the Lion. Whoever was responsible for Hunne's death in the Lollards' tower, it is an extraordinary version of the tragedy that he was 'by some mistake hanged before being tried in the spiritual court'; and when Queen Elizabeth interrupted Dean Nowell's sermon, bidding him stick to his text, she did not do so because she feared that the sermon would last too long. Finally, Mr. Jenkinson makes the strange remark that, although the patronage of St. Mary Abbots, Kensington, pertains to the bishop of London, 'it would seem that Queen Victoria presented the last two vicars'. He may be assured that there was no usurpation on the part of the Crown, each of the two last vicars (at the time he wrote) having been presented to fill a vacancy caused by the promotion of his predecessor to an English bishopric. It is surprising that so simple a matter should, as 'it would seem', present a difficulty to an author writing on the subject of this book and for a church society.

Z.

The 1916 volume of the William Salt Society's *Collections for a History of Staffordshire* (London: Harrison, 1918) appears late and in less substantial guise than in the days of peace, but it contains some useful and solid matter. Three of the four articles are by Mr. C. G. O. Bridgman. In one he studies at length the well-known will of Wulfrie Spot, the founder of Burton Abbey, giving in the course of his discussion an ingenious but somewhat hypothetical genealogy of this personage which makes him a descendant of Alfred's daughter, the Lady of the Mercians. In another, Mr. Bridgman writes nearly a hundred pages on the Burton Abbey Twelfth Century Surveys, to whose importance Mr. Round in 1905 called attention in this Review (xx. 275-89), where he pleaded for the publication of a complete text of both the surveys. This boon Mr. Bridgman now confers on us, printing the documents in parallel columns and with them some other deeds from the Burton cartulary. In a third and shorter article the same writer strives to trace the course of the Watling Street in Staffordshire, and beyond it towards the north and west. The remaining article of the volume is from Commander Wedgwood, who supplements the post-Conquest 'Staffordshire Chartulary' of earlier volumes of these collections by an English translation and commentary

on Staffordshire pre-Conquest charters. All have been previously printed. Like Mr. Bridgman, Commander Wedgwood modestly disclaims pretensions to exact philological science.

T. F. T.

The one article of general interest in the *Transactions of the Baptist Historical Society* for 1917 (Baptist Union Publication Department, 1918) is 'Bunyan's Imprisonment, a Legal Study,' by Dr. Whitley, which is admirably clear and convincing. An account of Benjamin Cox, rector of Sampford Peverell in Devonshire, who was taunted with Laudianism, became a Puritan and finally a Baptist, shows how much research is still needed before the outlines can be filled in. The material for tracing his career from the date of his institution, which is not given in the article, till his death about 1664 must certainly be in existence. The other papers are of antiquarian or denominational concern. The editor is wise in extending his range into the nineteenth century. He prints the minutes of the London Board of Baptist ministers down to 1820. They met at the Jamaica Coffee House, and in 1799 they agreed to pay for rent 'sixteen shillings more in consideration of the rise in Tobacco'. E. W. W.

We welcome the abundant evidences of the 'awakening of the historical spirit' in India, to use the phrase of Sir James Meeson in his brilliant inaugural address which forms the principal item in the contents of the first number of the *Journal of the Historical Society of the United Provinces*, and was delivered at Allahabad in 1917. The society thus started by the outgoing lieutenant-governor of the United Provinces is the latest of many associations of the kind. One of the earliest, the Panjab Historical Society, founded by Sir John Marshall and the staff of the Panjab University, issues a fine journal filled with excellent papers. The *Journal of the Bihar and Orissa Research Society* (Bankipore), while devoting special attention to ethnology and prehistoric archaeology, does not neglect history. Its number for December 1917 has won pre-eminent distinction by publishing a scholarly edition of one of the most ancient and important of Indian inscriptions, containing a history of thirteen years of the reign of King Khāravēla of Kalinga or Orissa, and dated about 170 B. C. As now interpreted it affords sound reason for believing that 543 B. C., the traditional date of Buddha's death, recorded in the chronicles of Ceylon, may be correct. The *Journal of the Hyderabad Archaeological Society*, edited by Mr. Yazdani, a Muhammadan scholar, contains many valuable essays illustrating the history and antiquities of the Deccan. Societies of a similar character exist at Bangalore, Rangoon, and other places. Indian scholars, Hindu or Muslim, have now learned to use European canons and methods of research. They use them so well that the work of the best writers will bear comparison with that of European experts. The Indians, in virtue of their birth and their intimate knowledge of many things hidden from the foreigner, possess certain advantages to which no outsider can aspire. The first number of the *Journal of the United Provinces Historical Society* (September, 1917), which has served as the text for the foregoing remarks, is issued in England by Messrs. Longmans. Professor S. B. Smith, who occupies.

the chair of Indian History at the Canning College, Lucknow, throws new light upon the story of the kingdom of Oudh in the first half of the nineteenth century by his paper on Hakim Mahdi. The Allahabad University has created a chair of Indian Modern History, filled by Professor Rushworth Williams. We expect with confidence that the United Provinces, which may fairly claim to be the most interesting region of India from the historical point of view, will be able to provide well-qualified contributors who will raise the new journal to a high level of excellence.

V. A. S.

The *Papers of the American Society of Church History*, second series, vol. v (New York: Putnam, 1917), are chiefly valuable for two elaborate articles on a theme which American scholars are making their own, the religious movements in Holland in the sixteenth and seventeenth centuries. Dr. H. E. Dosker writes on 'Recent Sources of Information on the Anabaptists in the Netherlands', and Dr. A. H. Newman on 'Adam Pastor, Antitrinitarian Antipaedobaptist'. These are full and evidently trustworthy pieces of work, theological as much as historical. 'Criminal Procedure in the Church Courts of the Fifteenth Century, as illustrated by the Trial of Gilles de Rais,' by Professor Howland, of the university of Pennsylvania, is an interesting paper. As regards America, Dr. Jesse Johnson describes the beginnings, in log huts and with rudimentary tuition, of theological education west of the Alleghanies; but English readers will derive special instruction in the difference between American methods and their own from the secretary's narration of the means by which the society obtained its act of incorporation from the legislature of New York.

E. W. W.

CORRECTIONS IN THE JANUARY AND APRIL NUMBERS.

p. 58, add to note 2. The Pinax referred to by Cassiodorus, *de Inst.* xxv (here, misspelled xv), was identified with the tract of Dionysius Exiguus by Adolf Franz (*Cassiodorius Senator*, p. 83, 1872) and by Bruno Krusch, who added the precise comment, 'So werden Ostertafeln schon vom 3. Jahrh. an genannt' (*Neues Archiv*, ix. 113). This statement appears to be without foundation. The context of Cassiodorus' words leaves no doubt that he is referring to the work of an earlier Dionysius, whose *Periegesis* is known to have been illustrated by a *nivaç* or map, apparently by more than one. See the extracts from the scholia quoted by Carl Müller, proleg. to *Geographi Graeci minores*, ii (1861), p. xxiv. The presumption therefore that the Table of Dionysius was known to Cassiodorus can be inferred only from the friendly relations of the two men, from Cassiodorus' constant activity in increasing his library, and from the well-recognized tendency of literature to gravitate towards a great centre.

p. 146 line 12. For *vicomte* read *vicomté*.

p. 146 note 11. For note 51 read note 50.

p. 151 note 49 line 3. For notes 48, 49 read notes 47, 48.

p. 151 note 49 line 4. For note 48 read note 47.

p. 157 note 99 line 6. For *unto* read *into*.

p. 159 line 2. For *shown* read *held*.

p. 161 note 136. For *Wulfstan* read *Wulfstanus . . .*, and for *Angelwinus Eoves-*
hamensis read *Aegelwinus Eoveshamnensis*.

p. 165 line 3 from foot. For *is* read *are*.

p. 169 note 229, and p. 173 note 265. For *Epist. lvi* read *Epist. lvii*.

The first part of the history is devoted to a description of the country and its inhabitants. The author describes the various tribes and their customs, and the different parts of the country. He also mentions the various wars and battles that have taken place in the country.

The second part of the history is devoted to a description of the various tribes and their customs. The author describes the different parts of the country and the various wars and battles that have taken place in the country. He also mentions the different parts of the country and the various wars and battles that have taken place in the country.

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THE ENGLISH HISTORICAL REVIEW

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The Supremacy of the Mercian Kings

IN a famous chapter of the second book of his *Historia Ecclesiastica* Bede remarks that seven early kings exercised a supremacy over all the provinces of the English which lay to the south of the Humber. He gives this information quite incidentally in the act of recording the death of Æthelberht of Kent, the third of these kings,¹ and neither in this passage nor elsewhere does he attempt to describe the powers inherent in this supremacy or to account for its origin. These problems were not germane to his theme: with his death the writing of history passed into the hands of annalists who were not concerned to explain the institutions of their day, and this archaic supremacy remains an enigma. That the enigma will ever receive a full solution we dare not hope, for it arises in the impenetrable obscurity of the fifth century. But the overlordship of the southern English was certainly a fact of moment in the time of Bede,² and its later phases extend into a period which is illustrated by a considerable body of diplomatic evidence. And it often happens that a king who has obtained recognition as overlord from other kings is asked by them to confirm their grants of land, or makes some attempt to express his supremacy in the formulas of his regnal style.

These formulas deserve careful examination, for they conflict sharply with our literary evidence.³ No less familiar than Bede's

¹ *Historia Ecclesiastica*, ii. 5.

* H. E. v. 23.

³ In tracing the development of regnal styles it is unwise to complicate the succession of charter formulas by reference to the styles recorded in less formal texts. Although nothing definite is known about the conditions under which the diplomas of the seventh and eighth centuries were written it is certain that they were composed by men who drew upon a common store of formulas. The regnal styles recorded in the diplomas of this age are of much greater authority as evidence of contemporary usage than are those which occur in texts written after the break in the series of original royal charters which extends from the reign of Æthelred I to that of Æthelstan.

enumeration of the first seven overlords of the southern English is the passage in the *Chronicle*, a. 827, which relates how Egberht of Wessex conquered the kingdom of the Mercians and all that was to the south of the Humber, and was the eighth king who was Bretwalda. No convincing explanation of this passage has ever been given. Its implication that the supremacy exercised by the first seven overlords continued in abeyance from the sixth decade of the seventh century until the third decade of the ninth is contradicted by many facts which suggest that a position of similar authority was intermittently held by several Mercian kings in the intervening period. On the other hand, the theory that this West Saxon annalist was unwilling to acknowledge the past supremacy of Mercian overlords not only implies the persistence of an intenser racial jealousy than would be inferred from any recorded facts but also runs counter to the whole tenour of the pre-Alfredian sections of the *Chronicle*. The attribution of a conscious political tendency to annals of this date and character verges, perhaps more than verges, upon anachronism. Whatever its explanation may be, and quite possibly it is nothing more subtle than the mistake of an unintelligent annalist, the passage at issue certainly gives especial importance to any facts which illustrate the position held by the Mercian kings of the eighth century.

For our knowledge of the course of events immediately following the Mercian revolt of 658 we depend entirely upon literary evidence. The earliest diploma of which the original text is now extant is dated 679,⁴ the earliest cartulary diplomas whose formulas suggest a seventh-century origin belong to the same decade.⁵ No genuine charter of Wulfhere, whose elevation to the kingship of the Mercians ended the Northumbrian overlordship, has been preserved.⁶ Nevertheless the facts which we possess go far to prove that Wulfhere during the greater part of his reign exercised that authority over the southern English which Oswiu of Northumbria had enjoyed down to the year 658. The kings of the East Saxons are known to have been subject to Wulfhere,⁷ and he could sell the East Saxon bishopric of London.⁸ He could dispose at will of the Isle of Wight and of territory on the mainland

⁴ Birch, *Cartularium Saxonicum* 45 (hereafter cited as *C. S.* with the number of the document).

⁵ There is no difficulty in accepting the Kentish diploma of Hlothhere, *C. S.* 36, as a transcript of a genuine charter of 674 or 5. See Turner, *Black Book of St. Augustine's I.* The charter of Frithuwald for Chertsey (*C. S.* 34) is considered below.

⁶ The charters drafted in his name in favour of Medeshamstede abbey (*C. S.* 22 and 22 a) can hardly have been intended seriously to deceive anybody. His grant of Dillington in Huntingdonshire to his kinsman 'Berhferth' (*C. S.* 32) includes a proem which in no respect resembles seventh-century work and a set of detailed boundaries in English. His charter to Chertsey (*C. S.* 33) is certainly spurious.

⁷ *H. E.* iii. 30.

⁸ *H. E.* iii. 7.

which formed part of the West Saxon kingdom.⁹ The king of the South Saxons was his godson and appears in Bede's narrative as his dependant.¹⁰ If the difficult text which is commonly regarded as the foundation charter of Chertsey abbey may be trusted, Wulfhere's assent was required to give validity to a grant of land in Surrey.¹¹ The only southern kingdoms in which he is not recorded as exercising influence are East Anglia and Kent; but the history of East Anglia in his time is extremely obscure, and the series of authentic Kentish land books does not begin until the last year of his reign.

For definite evidence that Wulfhere's authority extended over the whole of southern England it is necessary to refer back from Bede to the *Vita Wilfridi* of Eddi. In a passage of which the interest has not always been recognized Eddi tells us¹² that Wulfhere, having moved all the southern peoples against Northumbria in order to reduce that land under tribute, was overthrown by the Northumbrian King Ecgfrith, who thereupon made Wulfhere's own kingdom tributary. The passage is valuable as an illustration of the contemporary condition of southern England, for this military combination of all the southern peoples can only mean that they were united to the extent of acknowledging a common overlord. It also supplies a useful warning against building overmuch on the silence of Bede, whose only

⁹ *H. E.* iv. 13.

¹⁰ *Ibid.*

¹¹ The Old English charters of Chertsey abbey all carry a heavy weight of suspicion which most of them only too well deserve. The first of the series, *C. S.* 34, differs in many ways from the texts with which it is associated. It is written in the incoherent Latin characteristic of seventh- and early eighth-century diplomas which was not imitated by the later Chertsey forgers. But the feature of this charter which most strongly suggests that some early original lies behind the late copy which we possess is its remarkable similarity in formulary detail to the uncial charter of Hodilred for the monastery of Beddanham, *C. S.* 81, a charter which may be strictly contemporary, and in any case is one of the very earliest of extant English diplomas. This similarity, which could only be brought out adequately by a parallel edition of the two texts, is so close as to suggest either that the Beddanham charter was the model by which the Chertsey charter was composed or that both came from some common scriptorium. In view of the general style of the Chertsey charter the latter theory is much the most probable; a later forger ought to have produced a more intelligible text. As the Beddanham charter is proved by an endorsement to come from the archives of Barking, and as both Barking and Chertsey were founded by Eorconwald, afterwards bishop of London, the verbal similarity of the Beddanham and Chertsey charters is explained in a natural way. The reference to a confirmation by Wulfhere is only one of several passages in the Chertsey charter which are important if they really come from the seventh century. The most interesting is a statement that the land granted to the monastery extended *usque ad terminum alterius provinciae quae appellatur Sunninges*. It is probable that the name of the village of Sonning in east Berkshire preserves the memory of this archaic *provincia*, and if so, the passage contains a unique reference to the local organization of Wessex at a time previous to the division of that kingdom into shires. As shires had certainly been created in Wessex by the middle of the eighth century (*Chronicle*, a. 755) the reference to this *provincia* of Sonning is a serious argument in favour of an early basis for the Chertsey charter. Forgers do not often invent gratuitous statements of this kind.

¹² *Ch.* xx.

reference to this war is a bare statement of Wulfhere's defeat introduced casually into an account of the appointment of the first bishop of Lindsey.¹³ To Eddi also the war was only an incident, but he is a contemporary witness to events falling within the last years of Wulfhere's reign, and his quite disinterested evidence entitles us to believe that the succession of the overlords of the southern English was continued by Wulfhere. The collapse of Wulfhere's power consequent upon his defeat explains why no reference to his consent is made in a diploma of April 1, 674 or 5, issued by Hlothhere king of Kent.¹⁴

It is improbable that Æthelred, Wulfhere's brother and successor, was ever able to restore the Mercian power. The otherwise inexplicable harrying of Kent in 676¹⁵ is best regarded as an effort towards this restoration; that Æthelred possessed some measure of authority in Kent in the early part of this year is proved by his confirmation and subscription of a diploma issued by King Swæfhard on 1 March.¹⁶ The war of 679 marked by the battle of the Trent¹⁷ seems to have ended in Æthelred's recovery of the lost Mercian province of Lindsey. But the evidence of charters does not support the theory that Æthelred exercised any general and stable authority in the south of England. On this point we can quote twenty-three documents whose authenticity may reasonably be accepted, ranging from contemporary texts to late and corrupt copies and relating to five of the southern kingdoms. Five of these charters relate to land in the west midlands,¹⁸ and three of them were granted by Æthelred himself. Of the rest, thirteen relate to Kent, two to Sussex, one, and that

¹³ *H. E.* iv. 12.

¹⁴ *C. S.* 36. The charter is dated in the first year of Hlothhere and the third indiction, that is 675. These indications are incompatible, for Egberht I, Hlothhere's predecessor, died in July 673 (*H. E.* iv. 5).

¹⁵ *H. E.* iv. 12.

¹⁶ *C. S.* 42.

¹⁷ *H. E.* iv. 21.

¹⁸ (1) *C. S.* 57, a grant by a certain Æthelmod to Bernguidis (O. E. Beorngyth) the abbess and Folcburg of 20 *manentes* by the Cherwell, attested by Æthelred. The words of gift run in the second person, and the formulas are ancient. (2) *C. S.* 60, an incoherent document to the effect that Æthelred composed a dispute between Osric and Oswald his brother, two *ministri* of noble birth of the province of the Hwicce, by granting 300 *tributarii* at Gloucester to Osric and 300 *cassati* at Pershore to Oswald, and that Osric obtained the king's leave to found a monastery in the city of Gloucester. It is certainly not a medieval fabrication; a forger would have produced a more grammatical text, would have made Osric king of the Hwicce in accordance with *H. E.* iv. 23, and would not have invented for him a brother of whose existence there is no other record. (See also Mr. Stevenson's note in his edition of Asser, p. 155). (3 and 4) *C. S.* 75 and 76, grants by Æthelred to Offfor bishop of Worcester of lands at Hanbury and Fladbury, co. Worcester, on which see *Hist. MSS. Comm., Report on Manuscripts of Lord Middleton at Wollaton*, pp. 199-201, *ante*, xxix. 697, and xxxiii. 258. (5) *C. S.* 85, grant by Oshere king of the Hwicce and Æthelhard his son to Cutswyth the abbess of land at 'Penitanham' for the building of a monastery. The charter is attested by Æthelred, by Berhtwald archbishop of Canterbury, and by eight bishops all of whom might have witnessed a diploma in 693. Its brevity and general style command respect.

probably an original, to Essex, and two to Wessex. There is a body of evidence here which ought to illustrate the authority of any overlord whose supremacy received more than local and temporary recognition.

It suggests, on the other hand, the general independence of the southern kingdoms throughout Æthelred's long reign. Of the thirteen Kentish charters¹⁹ two only imply that his overlordship was recognized in that kingdom, and each appears to have been issued under abnormal circumstances. The earlier of them is King Swæfhard's diploma of 1 March 676; Æthelred's confirmation of this grant may be explained by his presence in Kent at the head of an army of invasion.²⁰ By the second charter an Oswine who is styled *rex Cantiae* grants to St. Peter's monastery at Canterbury an iron working which used to belong to the estate of Lyminge, *de terra iuris mei quae mihi ex propinquitate parentum meorum venit atque ex confirmatione clementissimi Æthelredi regis collata est.*²¹ The charter is dated in July in the second indiction, corresponding with the year of Grace 689, and Oswine may therefore be identified with one of the *reges dubii vel externi* who ruled in Kent between the death of Eadric and the establishment of Wihtred in 690. The statement that land of Oswine's patrimony had been confirmed to him by Æthelred makes it certain that he reigned in Kent under Mercian protection.²² On the

¹⁹ They include an original of King Hlothhere (*C. S.* 45) and two originals of King Wihtred (*C. S.* 97 and 98). The remaining ten charters are only known from transcripts which come from the abbey of St. Augustine (*C. S.* 35, 40, 42, 44, 67, 73, 86, 88, 90, 96; upon the date of the first two of these documents see below, note 22). Many of these charters were abbreviated in transcription, and some of them are difficult to interpret. But the latter difficulties are mainly due to the obscurity of Kentish history at this time, and the charters as a group are distinguished by the use of early formulas and the absence of the characteristic diction of the medieval fabricator. The documents relating to the so-called Donation of Wihtred obviously should not be used in this connexion.

²⁰ *C. S.* 42. A statement that the grant was made with Æthelred's assent and will is inserted in the body of the text. After the attestations a clause of unusual form runs *Signum manus Ædilredis regis Merciorum dum ille infirmaverat terram nostram in hoc loco erat qui dicitur Mirafeld atque Stapulford.* These places, unfortunately, have never been identified. This clause is followed by a note of date *Anno ab incarnatione Christi DCLXXVI indictione iiiii, viii die mensis Ianuarii prima feria*, which is inconsistent with the date assigned to the charter in its opening words, the Kalends of March in the fourth indiction. It may be presumed that there is a mistake in the postscript, and Kemble suggested that *Iunii* should be read for *Ianuarii*. The 8th of June was a Sunday. This mistake does not affect the authenticity of the diploma, which is confirmed by its archaic formulas and by the reappearance of six of its witnesses in King Hlothhere's original charter of May 679 (*C. S.* 45). Bede remarks that Swæfhard was associated as king with Wihtred when Berhtwald was elected archbishop of Canterbury on 1 July 692 (*H. E.* v. 8). The present charter is the only evidence that Swæfhard was ruling in Kent as early as 676.

²¹ *C. S.* 73.

²² Copies of two other charters bearing Oswine's name have been preserved. One is a fragment without any note of date (*C. S.* 40). The other (*C. S.* 35) is dated 17 January in the third indiction and in the second year of Oswine's reign. It is

other hand, the isolated but probably contemporary East Saxon diploma of 691 makes no reference to Æthelred's assent,²³ nor does he confirm either of the two South Saxon charters of probable authenticity which fall within his reign.²⁴ The evidence respecting Wessex is difficult to handle owing to the untrustworthy character of most of the rather copious material. There is a suggestion in the texts which relate to the origin of Abingdon abbey that Æthelred's authority may have been recognized south of Thames, but these texts are associated with a foundation legend which was modified if not composed in the twelfth century, and it is not wise to draw important conclusions from them.²⁵ The earliest charters of the Malmesbury series are justly of ill repute: they may have served as models for the early charters of the Abingdon series.²⁶ The cartularies of Winchester and Shaftesbury each include one ungrammatical diploma of this period to which no conclusive exception need be taken: neither of them refers to any confirmation by Æthelred.²⁷ There is no record of any exercise of authority in Wessex after the consolidation of that kingdom by Centwine, Cædwalla, and Ine, and the language employed respecting these three kings by their contemporary Aldhelm suggests that they were independent of all external control.²⁸ In view of these facts it can only be said that if Æthelred was recognized as overlord beyond his own borders his overlordship did not seem a matter of much moment to the authors of contemporary land books.²⁹

There is nothing to suggest any extension of Mercian power during the short reigns of Æthelred's successors Cenred and Ceolred.³⁰ With the accession of Æthelbald of Mercia in 716 the

assigned in the *Cartularium* to 675, but it may much more probably be referred to the third indiction which fell in 690.

²³ *C. S.* 81.

²⁴ *C. S.* 78 and 80. The latter is an ill-copied fragment which hardly affects the question either way. Upon the former see *ante*, xxxiii. 258. *C. S.* 79 is an obvious forgery.

²⁵ For these charters I may refer to my *Early History of the Abbey of Abingdon*, pp. 9-16. *C. S.* 74, which is probably founded on ancient material, makes no reference to any attestation or confirmation by Æthelred.

²⁶ *C. S.* 54, 58, 59, 63, 65, 70, 71, 103. There are features in *C. S.* 65 by which a King Berhtwald, with Æthelred's consent, grants land upon the Thames near the ford called Sumerford to Abbot Aldhelm which may be derived from an early original, but it would not be well to lay much stress on them until the early Malmesbury charters have been criticized in detail.

²⁷ *C. S.* 72, 107.

²⁸ Aldhelm, *Opera*, ed. Giles, 115.

²⁹ In view of what follows, the style *praestantissimus rex Britanniae* assigned to Æthelred in *C. S.* 51 cannot be dismissed at once as a fabrication; but the formulas of this charter are decisive against its genuineness.

³⁰ If *C. S.* 111 could be trusted it would prove that the consent of Æthelred, Cenred, and Ceolred was successively obtained to a grant of land in Middlesex by Swefred, king of the East Saxons. The charter is written in a ninth-century hand and it includes early formulas, but it cannot be accepted as representing with accuracy a text of the early eighth century. A note of Æthelred's consent is inserted in the

history of southern England enters upon a new phase which is illustrated by the most remarkable series of English diplomas now extant. The series is intermittent at first; no original Mercian charter has survived from the first nineteen years of Æthelbald's reign.³¹ But the earliest Mercian diploma which we possess in a contemporary form not only demonstrates the supremacy of the Mercian king in southern England, a fact which Bede has set on record, but also gives unique information as to the way in which that supremacy was regarded by Bede's contemporaries.

In 736 by a charter entered on the last folio of the manuscript of uncertain provenance known as the Vespasian Psalter Æthelbald granted to his *comes* Cyneberht the land of ten *cassati* for the building of a monastery in the province called Husmere near the river Stour.³² Husmere has been shown to be in the modern Worcestershire, where the name Ismere House occurs on the map between Kidderminster and Wolverley.³³ The charter illustrates the direct authority of the Mercian king in the territory of the Hwicce; it is attested by Æthelric *subregulus atque comes gloriosissimi principis Æthilbaldi*, and Æthelric is known to have been a son of the seventh-century King Oshere.³⁴ But the exceptional interest which belongs to the charter lies in the three different styles which it assigns to King Æthelbald. The words of gift with which it opens, for it has neither invocation nor proem, style the king *domino donante rex non solum Marcersium sed et omnium provinciarum quae generali nomine Sutangli dicuntur*. A contemporary postscript describes him, more succinctly, as *rex Suutanglorum*. And he heads the list of attestations with the title *rex Britanniae*.

Now the latter phrase when found in a contemporary text of a charter written in the year 736 deserves to be taken seriously. The authentic charters which have survived from this remote

verba dispositiva, and the charter is ended by two sets of attestations, the first headed by the name of Cenred and the second by that of Ceolred. There is no proof that it was the practice at this date to add supplementary confirmations of this kind to the text of a diploma. It is quite possible that Essex was a Mercian dependency at this time, but the present charter should not be quoted in evidence.

³¹ To this period there belong four charters of Æthelbald which are probably genuine: *C. S.* 137, a grant of land for salt boiling by the river Salwarp to the monastery of Worcester; *C. S.* 149 and 152 remissions of the royal tax upon ships coming to the port of London in favour of Mildthryth abbess of Minster and Ealdwulf bishop of Rochester respectively; *C. S.* 153, grant to a certain Cyneburh of six *cassati* at a place called Bradanlæh. This place has never been identified, but as the charter is derived from Worcester cartularies it presumably relates to a site in the West Midlands and not to Maiden Bradley in Somerset as is suggested in the *Cartularium*. The king attests *C. S.* 137, 149, and 153 as *rex Merciorum*, *C. S.* 152 as *rex* without qualification; in the *verba dispositiva* of *C. S.* 137 he is styled *ex divina dispensatione Mercensium rex*.

³² *C. S.* 154.

³³ Duignan, *Place Names of Worcestershire*, pp. 92-3.

³⁴ *C. S.* 157

time manifest no trace of that flamboyant diction which marks the work of the clerks who wrote land books for Æthelstan or Edward the Confessor. In particular, the regnal styles of the seventh and eighth centuries read almost without exception like sober statements of fact.³⁵ 'Rex Cantuariorum', 'dux Suthsaxorum', 'regulus Huicciorum', 'rex dimidiae partis provinciae Cantuariorum': styles like these were clearly intended to be understood in their literal meaning. 'Rex Britanniae' belongs to a different order of ideas from 'singularis privilegii monarchia praeditus rex' or 'rex et primicerius totius Albionis'. The Latin of the Ismere diploma is simple and rather crude, the writing of a man hard put to it to express himself at all and not in the least likely to be led into talk about a king of Britain by a perverted sense of style. The phrase for him had a meaning: the kingship of Britain was a succinct expression of the powers implied in rule over the provinces which by a general name are called the South English.

Who, then, are the Sutangli? The word is rare, and it appears to have borne a different sense for each of the few writers who have employed it. It was certainly current at a date earlier than that of the Ismere charter, for it occurs in an archaic, though corrupt, form in the Whitby life of Gregory the Great.³⁶ *Fruit igitur frater quidam nostrae gentis, nomine Trimma, in quodam monasterio Sundaranglorum . . . diebus Ediredi regis illorum.* The context suggests that the South English of this passage represent the peoples under Æthelred's direct rule, the Mercians, Middle Angles, and men of Lindsey; it is unfortunate that we do not know the site of the monastery of which Trimma was an inmate. Of interest as an early geographical note, the passage throws no light upon the problem of the Sutangli and their relation to the kingship of Britain.³⁷

³⁵ The first authentic diploma to introduce inflated language into a regnal style is Offa's Salmonsbury charter of 779 (*C. S.* 230). In the *verba dispositiva* the king is made to describe himself as *deo cuncta pie disponente in cuius manu sunt omnia iura regnorum absque ulla antecedente merito rex Mercionum*; he attests as *divina gubernante gratia rex Mercensium*. Even here, the words which describe the actual extent of his dominion are precise. The original Westbury diploma of 793-6 (*C. S.* 274) runs in the name of Offa *rex a rege regum constitutus*, the king attests vaguely as *rex dei dono*. Formulas of this sort are quite different from the grandiloquent styles of the tenth and eleventh centuries. Also, in charters of the seventh and eighth centuries there is little difference in character between the style attributed to a king in the words of gift and that which accompanies his signature.

³⁶ *Ante*, iii. 308.

³⁷ Florence of Worcester in his enumeration of the sees which were created out of the original Mercian bishopric remarks 'quintam vero constituit (Theodorus) Suth Angliam ad quam . . . Ætlam eligit antistitem eique praesulatus sedem in loco qui vocatur Doracestra constituit' (*Mon. Hist. Brit.* 622). The source of this passage is Bede's statement in *H. E.* iv. 23, that Ætla was consecrated to the bishopric of Dorchester. The South English are never mentioned by Bede, and there is no pre-Conquest authority for the application of the term Suth Anglia to Ætla's bishopric.

A convincing explanation of the problem appears when the formulas of the Ismere charter are compared with certain relevant passages in the *Historia Ecclesiastica*. Five years only before this charter was written, Bede, in drawing his *History* to a close, had named the eleven bishops who ruled the southern churches of England in the year 731. In so doing he had named also the kingdoms in which the seats of those bishops were established, and had ended his enumeration with the sentence *Et hae omnes provinciae ceteraque australes ad confinium usque Hymbrae fluminis cum suis quaeque regibus Merciorum regi Ædilbaldo subiectae sunt*.³⁸ Now Bede was looking at this supremacy from the point of view of ecclesiastical order; the man who wrote the Ismere charter was merely recording the style of the reigning king. And yet if the relevant sentences from Bede and the charter are read consecutively the conviction cannot be avoided that in these two passages, each composed within the same decade, the same supremacy is described. The people who by a common name are called the Sutangli are not only the Mercians, not only the various midland folks grouped under the direct rule of the Mercian king; they are the men of all those southern provinces extending from the Channel to the Humber of which Æthelbald was overlord. And the king to whom this supremacy belonged is described at the same moment by the title *rex Britanniae*.

It is this combination of the title *rex Britanniae* with words asserting the general authority of its bearer over the southern English which gives its unique interest to the Ismere charter. For this authority exactly corresponds to the power that was assigned by Bede to those seven early kings from Ælla of Sussex to Oswiu of Northumbria who in the ninth century were regarded as the first Bretwaldas. In his enumeration of these kings Bede defines their supremacy in terms virtually identical with the phrases which he applies to the position held by Æthelbald in the year 731. *Qui tertius quidem*, he says of Æthelberht of Kent, *in regibus gentis Anglorum cunctis australibus eorum provinciis quae Humbrae fluvio et contiguis ei terminis sequestrantur a borealibus imperavit*.³⁹ That this passage lay before the West Saxon annalist who added Ecgerht's name to Bede's list has never yet been doubted: every theory upon the nature of the office of Bretwalda has assumed the connexion. The peculiar significance of the Ismere charter consists in the proof which it affords that

³⁸ *H. E.* v. 23.

³⁹ *H. E.* ii. 5. With this passage should be taken *H. E.* i. 25 *Erat eo tempore rex Edilberct in Cantia potentissimus qui ad confinium usque Humbrae fluminis maximi quo meridiani et septentrionales Anglorum populi dirimuntur fines imperii tetenderat*. The phrase in *H. E.* ii. 3 *Qui* (sc. *Edilberct*) *omnibus ut supra dictum est usque ad terminum Humbrae fluminis Anglorum gentibus imperabat* is another parallel.

the wielder of this supremacy was explicitly recognized as king of Britain already in the very decade of Bede's death.⁴⁰

The same supremacy is asserted in other Mercian texts which like the Ismere charter have come down to us from the reign of Æthelbald. *Ego Æthilbalth non solum Mercensium sed et uniuersarum provinciarum quae communi vocabulo dicuntur Suthengli divina largiente gratia rex* is the opening of a document of which the original was written before the death of Bishop Ealdwine of Lichfield in 737.⁴¹ And the restriction of Æthelbald's dominion to the southern English is brought out again in two charters which purport to have been made in favour of Bishop Wilfrith of Worcester during the episcopate of his neighbour Walhstod of Hereford. Three copies of each of these documents have been preserved; none of them can accurately represent the text of its original. But the phraseology of the first,⁴² by which Æthelbald *divina dispensatione rex Suthanglorum* grants to the bishop land at Batsford in the modern Gloucestershire⁴³ suggests the formulas of the Ismere charter, and it is possible that the *rex Australium Anglorum* of the second⁴⁴ may also come from the eighth century.

Anno DCCL Cudretus rex Occidentalium Saxonum surrexit

⁴⁰ The Ismere charter has often been used to prove Æthelbald's supremacy in the south, in particular by Lappenberg in his chapter on the eighth century in England. It does not seem that Kemble, though he printed a facsimile of the charter, ever appreciated the bearing of the style *rex Britanniae* upon the significance of the term Bretwalda. Had he done so it is improbable that he would have been satisfied to define the latter word as meaning 'an extensive, powerful, king, a king whose power is widely extended' (*Saxons in England*, ed. 1876, ii. 21). He may have regarded the words *rex Britanniae* as mere verbal decoration. Freeman, who never made any detailed study of the earliest English regnal styles, deferred to Kemble's authority on this point. His appendix on the Bretwaldadom and the imperial titles in the first volume of the *Norman Conquest* (pp. 542-56, ed. 1870) only deals with charters of the tenth century and later. The recent histories by the late Dr. Hodgkin and Professor Oman do not include any discussion of the charter evidence.

⁴¹ *C. S. 157*, a text that has been transcribed with unusual care. Both the formulas and such name forms as Æthilricæ, Sigibed, Oosheræs, Æthilwald are proper to an eighth-century document. The description of the site *in regione quae antiquitus nominatur Stoppingas in loco qui vetusto vocabulo dicitur Uuidutuun iuxta fluvium quem priores nostri appellare solebant et adhuc nominantur* (sic) *Æluuinnae* belongs to an early type of such formulas, and is interesting for its reference to the name of an archaic west Midland *regio* that is otherwise unknown.

⁴² *C. S. 163*. This charter, like *C. S. 157*, has neither invocation nor preem. As these features do not occur in the contemporary *C. S. 154* their absence is by no means an argument against the authenticity of the present text.

⁴³ The place name is given by the charter in the form *æt Bæccesore* with the variant *Bæcces horan* in other copies. It is identified by Dr. Birch, with a query, as Paxford in Gloucestershire, but the Domesday form *Beceshore* (i. 169 b) establishes the identification with Batsford.

⁴⁴ *C. S. 164*, relating to Woodchester, co. Gloucester. Charters of Æthelbald concerning this property were produced before the Mercian witan in 896 (*C. S. 574*) and the boundaries set out in them were then perambulated. The names of the boundary points are given in a very corrupt form in the present charter, but six of them can be identified with names which occur in the record of 896, and it is quite possible that *C. S. 164* represents a text that was shown in the latter year.

contra Ædilbaldum regem. The compiler of the Bedae Continuatio⁴⁵ has here used words which well describe the rebellion of a subordinate king against his overlord. From the Parker MS. of the *Chronicle* we learn that this rising was marked by a battle at an unknown site named Beorhford :⁴⁶ later texts of this work inform us that Æthelbald was driven into flight there. The regnal style assigned to Æthelbald in a diploma of 757⁴⁷ throws light on the relationship existing after this battle between the kings of Mercia and Wessex. The former grants under the ample title *rex non solum Mercensium sed etiam in circuitu populorum quibus me divina dispensatio sine meritorum suffragio praeesse voluit*, King Cynewulf of Wessex attests the charter together with the bishops of Sherborne, Winchester, and Worcester, and a number of men who sign without designation, but of whom several reappear a little later in the guise of West Saxon *prefecti*.⁴⁸ These facts will gain a more precise significance when, if ever, we come to know the situation of the land which was the subject of the charter, ten *cassati* by the wood called Toccan sceaga, next the tumulus called Reada beorg,⁴⁹ but the attestation of Cynewulf and his reeves entitles us to infer that Æthelbald was dealing with land in West Saxon territory or under West Saxon influence. The further inference that Æthelbald was recognized as overlord is permitted by the formulas employed in his style. The personal taste of a clerk has altered the phrasing which in

⁴⁵ *H. E.*, ed. Plummer, i. 362. The words *et Oengusum* which follow this entry can have no connexion with it, whatever their explanation may be.

⁴⁶ The place where this battle was fought is quite uncertain. There is no evidence to support the common identification of the Beorhford of the *Chronicle* with Burford in Oxfordshire. The medieval forms of this place name have recently been collected (Alexander, *Place Names of Oxfordshire*, p. 68), and uniformly after the Conquest point to a combination of *ford*, not with *beorh* but with *burh*. As there is no reason other than an arbitrary identification to connect these later forms with the ninth-century Beorhford it is unnecessary to assume a confusion between *beorh* and *burh* in the first element of this name. In the place name Burghfield in Berkshire in which this confusion has occurred it is not recorded before the fourteenth century. All the earlier forms descend normally from the original implied in the phrase *to Beorhfeldinga gemaere* of *C. S.* 888 (see my *Place Names of Berkshire*, p. 46).

⁴⁷ *C. S.* 181. The date is not given in the charter, which is mutilated at the beginning, but may safely be inferred from the association of Æthelbald with Cynewulf of Wessex.

⁴⁸ The witnesses Ceardic, Wigferth, Scilling, Eoppa, Æthelric attest with the letters *pr.* for *prefectus*, after their names *C. S.* 200, a grant by Cynewulf of Wessex to St. Andrew's at Wells. In *C. S.* 186, a document from the Shaftesbury Register, Scilling and Ceardic attest as *presbiteri*, doubtless through a mistaken extension of the contracted *pr.* of the original. Scilling, Ceardic, and Wigferth, without any designation, witness *C. S.* 224, a grant by Cynewulf to Bishop Æthelmod of Sherborne; Scilling certainly, and Wigferth probably, attest as *prefecti* the eighth-century charter of Cynewulf to his comes Bica (*C. S.* 225).

⁴⁹ There seems no evidence to support the identification of Toccan sceaga with Tickenhurst in Kent suggested in the *Cartularium* and the *Index Locorum to the Charters and Rolls in the British Museum*. The recipient of the charter, an abbot named Eanberht, is otherwise unknown.

earlier charters of the same reign denoted the king's overlordship, but the use of vaguer words does not imply any change in the character of the supremacy which they describe. The Mercian hegemony survived the battle of 750.

It is difficult to form a definite opinion upon the question whether a style of this type was ever employed by Offa. Most of the charters which have survived from his reign describe him as *rex Merciorum*, a style which he bears in original diplomas of Kentish, Middle Saxon, South Saxon, and West Midland provenance.⁵⁰ The evidence that he reverted to the phraseology of Æthelbald's day is solely derived from three texts of the year 780, which form a distinct group in the long series of his diplomas. In the first of these documents, with the style *rex Merciorum simulque aliarum circumquaque nationum*, he grants to the church of St. Peter of Bredon which his grandfather Eanulf had founded the land of ten *manentes* at Wastill and Cofton and the land of five *cassati* at Rednall.⁵¹ In the second, with the variant style *rex Mercensium simulque in circuitu nationum*, he grants the royal village of Crophthorne with six named members, the whole estate including just fifty *manentes*, to the episcopal see of Worcester.⁵² The third charter, like the second purporting to be issued at Brentford on 22 September 780, conveys to the church of Bredon an estate divided among four villages of which the first named is Teddington on the river Carrant: these villages are estimated to contain thirty-five *tributariorum iugera*.⁵³ The style accorded to Offa here is identical with that given him in the text which has last been quoted, and is obviously a condensation of the earlier styles borne by Æthelbald.⁵⁴

None of these charters can be accepted without discussion as representing texts of Offa's day. The Crophthorne charter may at once be ruled out of consideration, for there is good reason to believe that it was composed in the eleventh century to support the monks of Worcester in their great plea against the monks of

⁵⁰ In Kentish texts this style is assigned to Offa in the original *C. S.* 254 of 788 in the eighth-century *C. S.* 247 and 248 dated respectively in 785 and 786, and in all the charters bearing his name between 757 and 796 entered in the *Textus Roffensis*. He has the same style in his grant of land in Middlesex to the abbot Stithberht in 767 (*C. S.* 201), and in his confirmation of a grant in Sussex by the *dux* Osloc (*C. S.* 1334, the first South Saxon charter of which the original is extant). He attests with the same style the West Midland charter of the *reguli* Eanberht, Uhtred, and Aldred, dated 759 (*C. S.* 187), and an original diploma of the *regulus* Uhtred in 770 (*C. S.* 203).

⁵¹ *C. S.* 234.

⁵² *C. S.* 235.

⁵³ *C. S.* 236; *Hist. MSS. Comm., Report on Manuscripts of Lord Middleton at Wollaton*, pp. 202-3.

⁵⁴ Offa's charter of 781 (*C. S.* 240) which combines the style *rex Merciorum necnon in circuitu nationum* in the *verba dispositiva* with the style *rex Anglorum* in the clause of attestation is either spurious or remodelled, and in neither case should be quoted in this connexion. See *ante*, xxix. 697.

Evesham for the possession of Bengeworth and Hampton.⁵⁵ But the Teddington and Wastill charters deserve more respectful treatment. If they are forgeries they are at least early ones, for each is entered in the oldest of all English cartularies, the Worcester fragment of c. 1000,⁵⁶ and neither bears any trace of the characteristic Latin of the tenth century. In particular, the Teddington charter is distinguished by ancient features⁵⁷ such as the definition of a site with reference to the name of an adjacent river, it includes an immunity clause of a form which is not likely to have been invented at a later time by the monks of Worcester,⁵⁸ and in general style though not in formulary detail it resembles the contemporary Salmonsbury charter of the previous year.⁵⁹

⁵⁵ Cf. Round in *Victoria History of Worcestershire*, i. 255.

⁵⁶ Cotton Nero E. i. 181-4; *Hist. MSS. Comm.*, *Wollaton Report*, pp. 199-212.

⁵⁷ The statement that the immunity of the estate is to last *quamdiu fides Christiana in Britannia perdurat* belongs to a type of formula in common use in the ninth century of which there is no certain example so early as 780. Many of the charters in which it occurs are spurious (e. g. *C. S.* 428, 434, 454, 468, 469, 470, 472, 483, 495). Others are suspicious (*C. S.* 360, which was probably forged on the basis of the genuine *C. S.* 357 in which the formula does not occur, and *C. S.* 450). But there is adequate evidence of the employment of this type of formula in genuine charters. In the form *quando Christiana fides in terra servata* it occurs in an original, private, Kentish deed of 868 (*C. S.* 519), and with the substitution of the more appropriate *quamdiu* for *quando* in a charter of Æthelred of Wessex entered in the *Textus Roffensis* (*C. S.* 518). It is employed by Egberht of Wessex and by Ceolnoth archbishop of Canterbury in original charters of, apparently, 830 and 833 respectively (*C. S.* 396, 406). The variant *tamdiu quam Christianitas in ista permaneat regione* appears in a Worcester charter of Cenwulf of Mercia to which no serious exception need be taken (*C. S.* 351). Other phrases of the same type can be traced back to the eighth century. In a postscript appended to an original Kentish diploma of Cenwulf dated in the second year of that king's *imperium* the grantee records the transference of the estate to the monastery at Lyminge upon condition that the anniversary of his death shall be observed *quamdiu fides catholica in gente Anglorum perseveret* (*C. S.* 289). The occurrence of the phrase *quamdiu fides Christiana apud Anglos in Bryttannia maneat* in a Worcester charter made between 791 and 796 (*C. S.* 272, with which compare the expanded duplicate *C. S.* 273) would prove that formulas of this type were employed by Offa if the charter were genuine, as indeed it seems to be. The occurrence of a similar formula in the Teddington charter is one of the facts which inspire confidence in the authenticity of that text. On the other hand, *C. S.* 231, a charter of 778-9 in which the same formula occurs, is probably spurious.

⁵⁸ The words of immunity have no exact parallel in other texts. They run: *Libera sit ab omni exactione regum et principum tam in agrorum donationibus vel terrarum positionibus . . . sub dominio ac potestate parentelae meae atque cognationi rite per successiones heredum iuste succedentium permaneat in eternum*. Apparently this means that no land is to be detached from the estate for the benefit of the king or the caldorman. The statement that the land is to remain for ever under the lordship and power of Offa's kindred is natural enough if the charter is a genuine grant by that king to a monastery of his grandfather's foundation, but it is highly improbable that these words would have been inserted in a text fabricated after the revival of monasticism in the age of Edgar.

⁵⁹ *C. S.* 230. This charter is important as the earliest diploma of unimpeachable authenticity whose author was consciously striving after elegance of diction. The resulting inflation does not extend far beyond the proem into the body of the text, but it would certainly have brought suspicion upon the charter if it had not happened to be preserved in its original form. The inflation of the Teddington charter is much less evident.

It may well have been the model on which the forger of the Crothorne charter composed his fabrication. The Wastill charter includes an early reservation of the burdens of bridge work, fortress work, and military service appended to its immunity clause; this reservation is a difficulty, but need not be fatal to the authenticity of the text.⁶⁰ Upon the whole it may reasonably be argued from these charters that the style 'king of the Mercians and of the nations around' was current in Offa's reign, and we may therefore recognize a reference to the kingship of Britain in the curious style *rex et decus Britanniae* which is applied to Offa in a diploma of Cenwulf of Mercia of which the original has been preserved.⁶¹

But the importance of Offa's reign in the development of English regnal styles lies in another direction. In 774 Offa made two charters conferring two separate estates in Kent upon Archbishop Jænberht, and the original of each charter is still extant. In one, from the Cotton collection, Offa with the style *rex Anglorum* grants to the archbishop five *aratra* in the place called Higham.⁶² The second charter comes from the Stowe collection and grants to the archbishop three *sulungs* at Lydd *in occidentali parte regionis quae dicitur Merscuuare*.⁶³ And in this text Offa is described as *rex totius Anglorum patriae*.⁶⁴

Upon the whole, this is the most interesting style applied to any English king of the period before the Danish wars. For if these words may be taken in their natural sense they prove that Offa claimed not only the supremacy over the southern English which Æthelbald had asserted but also an overlordship beyond the Humber. We should, at least, be very unwise to admit any definition of the *patria Anglorum* from which Northumbria is excluded. The style is an innovation and a very remarkable one. So far as our knowledge extends no earlier ruler had ever asserted in

⁶⁰ Upon this charter see W. H. Stevenson, *ante*, xxix. 697. The tenth-century copy of this charter printed as *C. S.* 847 bears the accurate date 780 as against the impossible 730 of the pseudo-original Cotton Aug. ii. 30.

⁶¹ *C. S.* 293. Offa is addressed by Alcuin as *decus Britanniae*, but in a context which forbids the assumption that he is quoting any formal style of that king: *Monumenta Alcuiniana*, p. 265. It is not well, therefore, to lay much stress upon the passage in *C. S.* 293. ⁶² *C. S.* 213.

⁶³ *C. S.* 214. In each charter the king subscribes as *rex* without further definition.

⁶⁴ There is a very close correspondence between the formulas employed in these two charters. They agree in their respective invocations, in the preambles to their words of gift, in the phrase *cum sacerdotibus et senioribus populi more testium subscribendo* which introduces the list of witnesses in each charter, the witnesses themselves are almost identical in the two diplomas. They were certainly composed by the same man and not improbably upon the same day. The formularly correspondence is so close that the *rex totius Anglorum patriae* of the Lydd charter reads like a deliberate expansion of the *rex Anglorum* of the Higham charter. In any case the phrase is important as a contemporary gloss upon the most important of English regnal styles at the moment of its first appearance.

a formal document supremacy over the whole land of the English. But unless the clerk who composed this diploma intended to convey this meaning his invention of a new style was pointless, nor, it may be added, are we entitled to dismiss his invention as a piece of rhetorical embellishment. In draughtsmanship the text in which this formula occurs is one of the most concise of all our early land books. It is short, intelligible, free from any touch of inflation, its proem is brief, its anathema is temperate. It is reasonable to suppose that the man who wrote such a diploma meant just what he said, no less and no more.

On the other hand, the charter bears the incarnation date 774, and we may well hesitate before we admit that Offa in this year was possessed of authority beyond his own borders sufficiently extensive to justify a style carrying such wide implications. The fragmentary tale of his wars which can be pieced together from different sources suggests that his power was won in a succession of battles most of which fell within the second half of his reign. The first fourteen years of his rule are almost a blank. In 771 he is asserted by the Northumbrian annals incorporated in the work of Simeon of Durham to have conquered the *gens Hestingorum*: probably the men of the Hastings region are meant by this phrase, and we may date from this time the beginning of Offa's authority in Sussex.⁶⁵ The *Chronicle* states that the Mercians and Kentishmen fought at Otford in 773, and that Offa took Bensington from Cynewulf of Wessex in 777; as events recorded in this section of the *Chronicle* are commonly antedated by two years these battles should probably be referred to the years 775 and 779 respectively. In the *Annales Cambriae* we read of raids into Wales which are dated in 778, 784, and 795. As for the two marriages by which Offa is understood to have secured the dependence of the kings of Wessex and Northumbria, the marriage of Berhtric of Wessex to Offa's daughter Eadburh is assigned by the *Chronicle* to 787, by which 789 is probably to be understood, and the marriage of Æthelred to Offa's daughter Ælfflæd did not take place till 792. Can we say, in face of this chronology, that Offa in 774 might seriously have been styled *rex totius Anglorum patriae*?

Before we give a negative answer to this question we should

⁶⁵ As late as 1011 the Hæstingas appear in the *Chronicle* as distinct from the South Saxons. There is no conclusive charter evidence that Offa exercised any authority in Sussex before Wihthun became bishop of Selsey, at whose request Offa confirmed a grant by the *dux* Oslac to Wihthun's predecessor Gislhere (*C. S.* 1334, cf. *C. S.* 237). Wihthun's first signature occurs in 789 (*C. S.* 255). A charter of the *dux* Aldwulf attested by Bishop Gislhere contains a clause recording Offa's consent (*C. S.* 262). This clause may not be original, for a postscript asserts that Offa confirmed the gift at Bishop Wihthun's request. The earlier South Saxon fragments *C. S.* 197, 206, and 211 which are signed by Offa are all of doubtful genuineness.

consider how little we really know about the general drift of affairs in this period. Offa is at once the most important and the most obscure of early English rulers, and the meagre annals which record the more important events of his reign leave their true meaning indefinite. The fight at Otford between the Mercians and the Kentishmen, for example, is just as likely to have followed an attempt on the part of the Kentishmen to throw off the Mercian overlordship as an attempt on the part of Offa to extend his authority over Kent.⁶⁶ We are certainly not entitled to oppose our own interpretation of the history recorded in a series of scattered annals to the explicit evidence of the regnal style recorded in a contemporary text. Moreover, the most remarkable feature of the style *rex totius Anglorum patriae*, its implication that Offa possessed some measure of power over Northumbria, agrees very well with what we know of contemporary events in that distressful kingdom. The Northumbrian annals preserved by Simeon of Durham record under this year the flight of King Ealhred and his succession by Æthelred the son of Æthelwald. It is at least a permissible conjecture that the new king sought to strengthen his position by making a submission to his powerful neighbour, a submission that was renewed after eighteen years by his marriage to Offa's daughter. More than this cannot be said: but in view of the general credibility of regnal styles at this date the Lydd charter may reasonably be taken as evidence that some transaction of the kind did actually take place in this year.

Apart from the charters which have been quoted there remain nine texts in which the style *rex Anglorum* is applied to Offa. Six of them present features which to say the least make it inadvisable to accept their evidence in a question which turns on the formal accuracy of a document,⁶⁷ and one only, a grant of

⁶⁶ If *C. S.* 195 could be accepted as genuine it would prove that Offa's authority was recognized in Kent as early as 764. The charter is remarkable for its combination of very early formulas with a highly rhetorical harangue: in substance it is a grant to Bishop Eardwulf of Rochester of an estate by the Medway which the bishop had already received from Sigered, king of half Kent (*C. S.* 194). The style *rex Merciorum regali prosapia Merciorum oriundus, atque omnipotentis Dei dispensatione eiusdem constitutus in regem* is suspicious in a charter which purports to come from the year 764. The Rochester provenance of the charter weakens the argument for its authenticity derived from its ancient formulas. The monks of Rochester had a store of most excellent material on the basis of which they might compose a charter of this date. On the other hand, unless the charter were forged at a time when the overlord's confirmation was necessary for the validity of a gift by an under king there is no obvious motive for its fabrication.

⁶⁷ Of these charters *C. S.* 208 and 259 are patent forgeries; on the latter see Mr. Stevenson's discussion, *ante*, vi, 736, xxviii. 6-7. *C. S.* 210 may possibly be descended from an ancient text, but it contains a phrase, *seniorum meorum magisterio edoctus et exemplo roboratus*, the like of which is not found in any genuine charter of this period, and it certainly cannot be admitted as testimony on a point of regnal

land in Middlesex to Archbishop Æthelhard, is preserved in contemporary writing.⁶⁸ This charter, which is highly abnormal both in structure and in phraseology, is incompatibly dated on Whit Sunday in the incarnation year 790 and the thirty-eighth year of Offa's reign : the year of the incarnation should probably be corrected to 795.⁶⁹ At the opening of the charter and again in the course of the *verba dispositiva* the king is styled *rex Anglorum*, but he attests as *rex Merciorum*; the occurrence of two styles in the same document is unusual at this date, but is only one among many irregular features presented by this eccentric text. In any case, the significance of the title *rex Anglorum* is not affected by the persistence of the more ancient and narrower style of the Mercian kings. The remaining charters of this group are less important. In one, Aldwulf *dux Suth Saxonum* grants land to Bishop Wihthun with the consent and licence of Offa *rex Anglorum*; the text of this charter is only preserved in a late and imperfect copy, but may well be genuine.⁷⁰ In the other, Offa signs with the title *rex Anglorum* a charter in favour of Worcester cathedral;⁷¹ the king's style is altogether omitted from the *verba dispositiva*. Of the last two charters the first is inaccurately dated 711, the second bears no date in its present form, but each belongs to the last decade, and the Worcester charter belongs to the last five years of Offa's reign.

In view of these facts it may be said with some confidence that according to the diplomatic evidence Offa was the first of English kings to claim by the style *rex Anglorum* dominion over all peoples of English race within Britain. When all due allowance

style. The same phrase occurs in *C. S.* 226, which also includes a set of English boundaries, a feature foreign to the scheme of composition followed in Mercian charters of the eighth century. The most interesting of these six suspicious charters is *C. S.* 216 which purports to convey to the church of St. Peter at Worcester land *in loco qui nuncupatur Readanoran*, an unidentified site in the south of the modern Oxfordshire, where there certainly existed an ancient church under the authority of the bishop of Worcester (cf. *C. S.* 547). A long perambulation in English, a reservation of bridge work, fortress work, and military service from the general immunity of the estate, and a bad mistake of date are fatal to the credit of this charter. Reference has already been made to the sixth of these charters, *C. S.* 240 (above, note 54).

⁶⁸ *C. S.* 265.

⁶⁹ As Cynewulf of Wessex, who cannot have been recognized as king before 757, attests a charter of Æthelbald of Mercia (above, note 47), the latter's death cannot have occurred before that year, to which it is referred by the *Continuatio Bedae*. After an interval of civil war, but within the same year, Offa obtained the kingdom. The principles which governed the computation of regnal years in the eighth century are not certainly known, but in any case Offa's accession cannot have occurred before the second half of 757, and the Whit Sunday of his thirty-eighth year cannot be assigned to an earlier year than 795. As part of the incarnation year 789 fell within Offa's thirty-first year (*C. S.* 256) it is probable that his regnal years were reckoned from some day in the early part of 758, but this day cannot reasonably be placed so late in the year as Whit Sunday, and the present charter cannot therefore be assigned to 796.

⁷⁰ *C. S.* 261.

⁷¹ *C. S.* 272.

has been made for the indefiniteness of early formulas, and it is easy to exaggerate the allowance that is necessary, the appearance of this style will still remain a significant event. Fragmentary as are the annals which describe Offa's reign, they certainly show that he endeavoured with success to extend his power over the whole of the *patria Anglorum*, even over the particularist Northumbria. Even were diplomatic evidence lacking we might have expected that such a king would assume a style more nearly consonant with the reality of his position than the words which asserted Æthelbald's authority over the southern English. It is a happy accident that the style *rex Anglorum* is applied to Offa in charters which are extant in contemporary writing, of whose authenticity there can be no question, and the fact that he assumed this style already in the middle of his reign affords a welcome clue to the course of events in a period most inadequately illustrated by literary evidence.

With the diploma of Whit Sunday 795 the succession of these formulas comes to an abrupt end. So far as our knowledge goes, and we possess a very considerable body of material on which to form an opinion, Cenwulf of Mercia never assumed any style claiming either the kingship of the southern English or authority over the English nation as a whole. In a mutilated diploma of 797-8 he is described as *rector et imperator Merciorum regni*,⁷² but it is not well to lay much stress on words like *imperator* or *imperium*.⁷³ That Cenwulf exercised direct rule in Kent is proved by a long series of genuine diplomas, but only once, and then in a charter whose authenticity is by no means certain, is he made to assert the kingship of that province in his formal style.⁷⁴ His successor Ceolwulf I in original diplomas of 822 and 823 takes the style *rex Merciorum vel etiam Contwariorum*,⁷⁵ a formula that is interesting as an anticipation of the style commonly

⁷² C. S. 289.

⁷³ The equivalence of *regnum* and *imperium* in the early ninth century is proved by the formulas employed in the dating clauses of two original diplomas of 811 and 812 respectively (C. S. 335 and 341). In the first, the regnal year is given as *imperii piissimi regis Merciorum Cœnwulfi anno xv*; in the second, as *regni gloriosissimi Merciorum regis Cœnwulfi anno xvi*.

⁷⁴ C. S. 328. In this charter Cenwulf, with the style *Christi gracia rex Merciorum atque provincie Cantie*, grants seven *aratra* at Barham to Archbishop Wulfred. The territorial element in this style is not of itself a ground of suspicion; an original diploma of 805 was granted by Cuthred *rex Cantiae cum licentia Cœnwulfi regis Merciae* (C. S. 322). But the present charter is only known from a copy in the Lambeth MS. 1212, it is concluded by a list of supplementary attestations of unusual form, and its substance is not obviously reconcilable with the original C. S. 381 of 824 which seems to relate to part of the same land. It may nevertheless be authentic, but it is hardly wise to argue from a copy in a cartulary in which the texts of other charters are known to have been modified.

⁷⁵ C. S. 370, 373. The latter charter reads *seu* for *vel* and *Contwariorum* for *Contwariorum*.

assumed by the kings of Wessex a little later, and the subsequent kings of the Mercians normally employ the style *rex Merciorum* without qualification.⁷⁶ The evidence of charter styles suggests with much force that the Mercian overlordship ended with the death of Offa.

In 829 Egberht of Wessex conquered the kingdom of the Mercians and all that was to the south of the Humber, but the overlordship he acquired in that year is never reflected in his regnal style. The series of Egberht's charters is short: it is difficult to believe in face of its brevity that he ever exercised anything corresponding to the general authority in the south possessed by Æthelbald and Offa. In an original diploma of 830 he bears the title *rex Occidentalium Saxonum necnon et Cantuariorum*; ⁷⁷ a type of style repeatedly employed by his successors but introduced, as has been observed, by Ceolwulf I of Mercia. A Shaftesbury charter of 833, ill copied as are all the early texts which come from that house but probably authentic, describes him as *Occidentalium Saxonum rex*,⁷⁸ and his assent as *rex Occidentalium Saxonum* is asserted in a grant by his son Æthelwulf to Christ Church, Canterbury, to which no conclusive exception need be taken.⁷⁹ He is described as *rex* without further qualification in a genuine Rochester charter of 833⁸⁰ and in the record of proceedings in the Kingston council of the same year.⁸¹ The remaining charters which purport to come from his reign are all of doubtful or more than doubtful authenticity. Three charters from the Codex Wintoniensis which distinguish between Egberht's regnal year and the year of his *ducatus* are transparent fabrications.⁸² The solitary text which assigns to him the style *rex Anglorum* is derived from the Textus Roffensis, but does not acquire authenticity from its respectable environment.⁸³ And among the numerous diplomas issued after Egberht's death by Æthelwulf and his immediate successors there is none which definitely asserts any wider dominion than rule over the West Saxons and Kentishmen.⁸⁴

⁷⁶ e. g. *C. S.* 378, 400, 416, 429.

⁷⁷ *C. S.* 396.

⁷⁸ *C. S.* 410.

⁷⁹ *C. S.* 407, cf. *C. S.* 419. The same style occurs in *C. S.* 852 which comes from St. Augustine's, Canterbury, and may be genuine.

⁸⁰ *C. S.* 418.

⁸¹ *C. S.* 421.

⁸² *C. S.* 390, 391, 393.

⁸³ *C. S.* 395. The charter is witnessed by Æthelwulf, Egberht's son, as king, by Ealhstan bishop of Sherborne and by Wulfhard the caldorman, and is dated 823. The *Chronicle* states under this year that these persons were sent into Kent by Egberht and expelled the Kentish king Baldred. But events in this section of the *Chronicle* are antedated by two years.

⁸⁴ In *C. S.* 411, a charter preserved in a tenth-century copy, Egberht bears the style *rex Cantiae necnon et aliarum gentium*. The style is unique, and it is difficult to believe in its genuineness. In particular it is difficult to believe that Egberht in a formal style would have asserted his rule in Kent while making no specific reference

By this time the idea of the kingship of the southern English, the *ducatus* which Bede described, was obsolete, and events had not permitted the establishment of the wider dominion over the whole land of the English foreshadowed in Offa's day. With the Danish wars the opportunity of a permanent unification of England under the hegemony of a native king passed finally away. It is true that a memory of the archaic *ducatus* was retained through the ninth century, if only by the learned. It was certainly preserved by the West Saxon annalist who named Ecgberht the eighth Bretwalda, it may well have been present to the Celtic Asser when he dedicated his book to Alfred, *omnium Britanniae insulae Christianorum rector*.⁸⁵ But it was a literary memory, not a tradition of chancery practice, and if Æthelstan probably and Edmund certainly bore styles which asserted imperial dignity we may not safely assume any true continuity of idea between these titles and the words which denoted the supremacy of Æthelbald and Offa. The imperial styles of the tenth century are experimental and indefinite, they form part of the exuberant phraseology which pleased the men who wrote charters in this age, the age of Hesperic latinity. They express a habit of mind quite alien from that which led the clerks of the eighth century to attempt the utmost precision allowed by their imperfect command of the Latin language.

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to his rule in Wessex. The charter is dated 773, but as it is witnessed by Archbishop Ceolnoth of Canterbury it must, if it is really derived from a diploma of Ecgberht of Wessex, belong to the years 833-9. It is possible that a set of witnesses obtained from a charter of the latter period has been appended to the text of a charter of the eighth-century Ecgberht king of Kent, though this suggestion will not explain the difficulties presented by the regnal style. In substance, the charter is a grant to the abess Dunne and the church of Lyminge of 150 acres in the place called Sandtun, with salt works there, and 120 loads of wood from the forest of Andred for salt boiling. These details seem to represent the gifts which Æthelberht II of Kent had made to the abbot Dun and the church of Lyminge by a charter of 732 which survives in its original text (*C. S.* 148). In this charter the king states that he has granted to the abbot the quarter of an *aratrum* by the river Lympne which he had formerly leased (*quam . . . praestiteram*) to the abbot's predecessor Hymora, and has added 120 loads of logs for salt boiling, and 100 acres of the same property (*eiusdem raris*) at Sandtun. If, as there is reason to believe (*Ante*, xix. 285), the *aratrum* or sulung contained two hundred acres, the quarter *aratrum* and the supplementary 100 acres granted by *C. S.* 148 will exactly equal the 150 acres granted by *C. S.* 411. Whatever the original form of the latter charter may have been, it can only be regarded as a confirmation of Æthelberht's diploma of 732. It is, of course, quite possible that the church of Lyminge may have been ruled by an abbot named Dun in 732 and by an abess named Dunne between 833 and 839, but the coincidence does not inspire confidence in a text to which there are other grounds of objection.

⁸⁵ *De Rebus Gestis Ælfrædi*, ed. Stevenson, I and 148.

‘Barons’ and ‘Peers’

MORE than two centuries ago, in his great work on the exchequer, the admirable Madox, under ‘Amercements’, dealt at some length with two notable cases, those of the abbot of Crowland and of Thomas de Furnival.¹ These cases appear to have attracted insufficient attention as throwing light on the two senses in which the term ‘baron’ was used in the days of Edward II. On the one hand, the ‘barons’ were the whole body of those who held in chief *per servitium militare*, and who, as holding by ‘barony’, received the special summons to perform their military service ‘with horse and arms’, were liable to the special baronial ‘relief’,² and were entitled to the privilege (or subject to the burden) of being specially ‘amerced’ and to that of exemption from service on juries.³ On the other, the ‘barons’ were the smaller class who received the special summons to parliament and who constituted with the earls (*comites et barones*) the estate of the lords temporal in the upper house of parliament. It was this class which was then beginning to be distinguished as ‘peers’ (*pares*) in common with the earls and prelates, a style which proclaimed their equal membership, with those magnates, of the upper house, and which, at the same time, severed them from those ‘barons’ who did not receive the special summons to parliament. It therefore played, in my opinion, a part of considerable importance in that differentiation of the peerage as a body which developed, as it seems to me, in the first half of the fourteenth century.⁴

The ambiguity of the term ‘baron’ is responsible for some misunderstanding and even misrepresentation of Thomas de

¹ *History and Antiquities of the Exchequer*, cap. xiv, sec. 2 (ed. 1711, pp. 367–74) Dugdale had already (1675) cited the Furnival record in his *Baronage* (i. 726).

² See, on this point, my paper on “‘Barons’ and ‘Knights’” in the Great Charter’ in *Magna Carta Commemoration Essays* (1917), p. 46 et seq.

³ It was this exemption that was claimed by Ralf de Eversden, as a ‘baron’, so late as 48 Edward III (see the *Lords’ Reports on the Dignity of a Peer*, i. 395, and Pike’s *Const. Hist. of the House of Lords*, p. 95).

⁴ The term *pares*, I need scarcely say, first appears in England, in this sense, so far as is known, in 1321. Mr. Pike admits (*op. cit.*, pp. 108–9) that what he terms the ‘gradual transition from burden to privilege’ in a baron’s attendance in parliament ‘was beginning, perhaps, at the time when English Peers first spoke of themselves as Peers of the Realm, in the reign of Edward II’.

Furnival's case. An amusing illustration of this ambiguity, which is probably quite unknown, is found in the patent of creation for the dukedom of Dorset (1720). After justly insisting on the antiquity of the grantee's house—the Sackvilles—this document proceeds to explain that the title of 'Baron' conferred by Queen Elizabeth on his ancestor was virtually a restoration of the dignity originally conferred by Richard I.⁵ I propose to deal fully below with the historical effect of the ambiguity arising from the double sense of 'baron', which affects the use of the style even at the present day; but it may be well, before doing so, to dispose of Thomas de Furnival's case because it illustrates so well the danger of arguing from the use of a term of which the meaning is undefined.

For the argument in question we must turn to the use made of the Furnival case in the late Mr. L. O. Pike's *Constitutional History of the House of Lords* (1894). Valuable and important as his work is, both from the independence of his views and from his careful citation of those authorities on which his views are based, its weak point is that, as a lawyer, Mr. Pike attached excessive weight to the *dicta* of medieval lawyers and the decisions recorded in the year-books.⁶ He endeavoured to base on what he termed 'the established legal opinions' (p. 95) the doctrine, which was with him an obsession, that, down to 'the beginning of the reign of Edward III', at least, 'the summons to Parliament was regarded solely as a burden' (p. 95). He was, of course, well aware that the greater barons extorted from John their right to the summons, but he urged that it was only 'desired as the means of mitigating demands for money' (p. 92), 'was prompted only by the desire for protection when some exceptional tax was to be imposed' (p. 235). Possibly; but surely the whole of English constitutional history illustrates the fundamental importance of a control over supplies for the redress of grievances and as an engine for obtaining power. Here again the sagacity of Stubbs is seen in his speaking of 'a right which from the very first was as precious as it was burdensome'.⁷

After speaking of 'the burden of a writ of summons calling

⁵ 'Unus a Richardo Primo Baronis titulum accepit; postea vero alter longo annorum intervallo, a Regina Elizabetha . . . Baro de Buckhurst creatus est, vel potius in pristinum honorem revocatus.' The allegation is based on a charter of Richard I to Bordesley.

⁶ That I am justified in this criticism is well shown by the fact that, at the outset (pp. 23–5), he devoted three pages of his work to 'a Parliament of William the Conqueror' in 1081 as 'the first assembly in England to which the word "Parliament" has been applied by any legal authority', viz. *Year-book*, 21 Edw. III (1347–8). He also relied on 'a famous law-book, issued by royal authority' (viz. Britton) for an *ipse dixit* on the constitution of the time which he termed an 'important and authoritative statement of the law' (pp. 93–4).

⁷ *Const. Hist.* iii. (1878), 443.

an unwilling baron or bishop to attend the king in parliament', Mr. Pike endeavours to prove his point by contending that 'the Baron did not desire to be present' (p. 235). This he proceeds to illustrate by the famous Furnival case. He cites this as an instance of the 'efforts of lay Barons to escape summons and sitting'. Now it is extremely important to ascertain exactly what it was that Thomas de Furnival actually did claim. There is no difficulty in doing this, for Madox dealt fully with the case,⁸ and even Dugdale⁹ cited the record as early as 1675. But, although in accordance with his admirable practice Mr. Pike cites the original authorities, he paraphrases the claim thus :

There are even instances in which men who had been summoned, and whose ancestors had been summoned to Parliament, were ready to deny that they were barons at all. In the reign of Edward II, Thomas de Furnival tried [*sic*] to show that he was not a Baron, nominally [*sic*] to escape a particular amercement. . . . He and his descendants were nevertheless summoned to Parliament for some generations, as his ancestors had been before him (pp. 235-6).

This paraphrase requires somewhat plain speaking. There is not one word in the record to show, or even to suggest, that Thomas de Furnival was 'trying' to escape attendance in parliament; his claim was solely that he had been 'amerced as a Baron' (*tanquam Baro americiatus fuit*), though he was not a baron and held nothing by barony, and was therefore not liable to such amercement. The word 'nominally' is an interpolation intended to convey the impression that what he was really seeking was exemption from being summoned to parliament. Madox, though holding that his claim, as to holding by barony, was not justified, was careful to point out that 'holding by Barony and being summoned to attend amongst the Barons in Parliament, were, in those days, very different things'. That is exactly the point which I desire to enforce.

Quite correctly, Madox has treated the Furnival case together with that of the abbot of 'Croyland', who similarly claimed, about the same time, that he had been wrongly amerced as a baron¹⁰ though he held nothing by barony (*licet ipse non teneat terras seu tenementa aliqua per Baroniam vel partem Baroniae, per quod tanquam Baro americiari debeat*). As in the case of Thomas de Furnival there is a series of writs of summons to parliament both before and after the abbot's case arose; but in this case also the claim raised was definite and had nothing whatever to do with the abbot's attendance in parliament. It is highly

⁸ Cap. xiv, sec. 2 (ed. 1711, pp. 370-4).

⁹ *Baronage*, i. 726.

¹⁰ 'De clameo Abbatis de Croyland facto quod non debet americiari tanquam Baro.'

significant that, although Madox rightly treats these two cases in conjunction under 'ameracements', Mr. Pike sharply separates them, and, while dealing with the abbot's case as a question only of 'ameracement' (p. 257), endeavours, as we have seen, to treat the Furnival claim as an effort 'to escape summons and sitting' (p. 235). He even went so far as to urge that

In the reign of Charles I the Lords had completely forgotten the reluctance of their ancestors to sit in Parliament. . . . It is impossible to imagine a greater contrast than that between Thomas de Furnivall trying to prove that he was not a Baron in the reign of Edward II, and the Earl of Bristol three centuries later, endeavouring to force the King to send him a summons (pp. 238-9).

It is impossible to imagine a more misleading contrast. Mr. Pike's contention rests, it will be seen, on the ambiguous meaning of the phrase 'a Baron'; the two issues spoken of were, of course, entirely distinct.

The reader should be warned that in the Furnival case it is immaterial whether the claim was sound, as a fact, or not. Madox shows cause for believing that it was not; but on the definite issue raised by the claimant, the result of an inquisition was that his claim was good.¹¹ Stubbs was dependent for the facts on Courthope, who observes that

It was found by Inquisition 19 Edw. II. that he did not hold by barony; nevertheless he continued to be summoned, as were his son and grandson, thus showing that his writ issued not by reason of tenure, but by the grace and favour, or rather the will of the Crown.¹²

The Crown was bound by the finding, whether it was justified or not; and, if Thomas continued to be summoned, in despite of that finding, it must be inferred that this was because the finding that he did not hold by barony had no bearing on his summons as a 'baron' of *parliament*. Stubbs was quick to perceive the importance of this inference as proving that among the barons summoned, 'some at least did not possess the qualification by baronial tenure, but became barons simply by virtue of the special writ, and conveyed to their heirs a dignity attested by the hereditary [*sic*] reception of the summons.'¹³

So much for the Furnival case, as bearing on those who were peers, though not 'barons' by tenure. Mr. Pike, I shall now show, was led by the excessive importance he attached to the views of medieval lawyers to disparage even at a late date the

¹¹ The question really turned on his tenure of Sheffield (Hallamshire), the *caput* of the alleged barony derived from his Louvetot ancestors. He contended that his tenure of Sheffield was by homage only (*per homagium tantum*).

¹² *Historic Peerage*, p. xxv. Cf. p. 206.

¹³ *Const. Hist.* ii. (1875), 204 (§ 201).

status as peers of those barons who were regularly summoned to parliament. He claimed that even

when the wars of the Roses were giving new power to the Barons, the old ideas still prevailed in the Courts of Justice, and a Baron was still not as another peer. As late as the eighth year of Henry VI it was expressly decided that there was a difference between a lord who was only a Baron and a lord who was an Earl or a Duke, and that when a writ was brought by or against an Earl or Duke, he must be named by his name of dignity, but not when the writ was brought by or against a Baron (*Year Book*, 8 Henry VI, no. 22, fo. 10).¹⁴

Here, as in the *Furnival* case, two issues are confused; the question of the formal style to be assigned in legal documents is entirely distinct from the status of a baron of parliament as a peer; 'a lord who was only a Baron and a lord who was an Earl' were equally peers (*pares*) of the realm.

I desire to treat the above passage in conjunction with one which has recently appeared, and in which this erroneous doctrine is even further developed. The immediate cause, I may explain, of my dealing, at the present time, with the subject of 'Barons' and 'Peers' is that the matter has been brought to the front by the publication—as an appendix to vol. iv of *The Complete Peerage* (1916)—of a treatise on 'Earldoms and Baronies in history and in law' (pp. 651–756), in which an extreme view on the origin of 'Baronies by Writ' is set forth with much assurance and with a certain show of learning. Both in its original form and in the present revised edition, this very useful work, which is familiar to historical students, has adopted a tone of marked hostility to the 'settled law' on the subject. This hostility, however, is due less, in my opinion, to the law in question itself than to the modern development of the doctrine of abeyance, which has led to a great increase in the practice of 'calling out of abeyance' baronies unheard of for centuries. This development culminated in Mr. Asquith's statement when prime minister, from his seat in the house of commons, that it was 'an automatic process'. Such a description of what is well recognized as a special exercise of the Crown's prerogative, was so grave and obvious a constitutional error that it was instantly challenged, and had, of course, to be modified. One can sympathize with Mr. Vicary Gibbs in his comment on this incident,¹⁵ but we must here confine ourselves to purely historical questions.

Mr. Gibbs seems to have felt that the attitude assumed in his work needed something more to justify it than the genial jests and gibes of Mr. 'G. E. C'[okayne]. He has, therefore, set his assistant editor, Mr. H. Arthur Doubleday, to provide a reasoned onslaught on the doctrine he so much dislikes and on those who

¹⁴ *Op. cit.*, p. 101.

¹⁵ *Complete Peerage*, iv. 755 n.

in the past or present have been foolish enough to accept it. For two reasons it is quite impossible to ignore this production. In the first place, it is part of what is bound to become the permanent work of reference on the history of the peerage; in the second, we learn at the outset that

The writer is indebted to W. Paley Baildon, Sir Henry Maxwell-Lyte, K.C.B., Deputy-Keeper of the Public Records, Professor T. F. Tout, and G. W. Watson for much helpful criticism and for valuable suggestions. He also has to thank the Librarian and other officers of the House of Lords for many courtesies.

The names of these scholars will doubtless inspire confidence; and their mention is no mere formality, as is shown by the fact that Mr. Doubleday was indebted to the Deputy-Keeper of the Public Records for his knowledge of a document which forms the subject of one of his most adventurous and most unlucky flights.

With the aid of another of his helpers, Mr. G. W. Watson, we find him plunging, to begin with, into the Norman period.

For some time after the Conquest it is difficult to distinguish between the Norman Count and the English Earl, and the fact that many of the Conqueror's followers held large estates in Normandy led ultimately to a division of inheritances and nationality in their descendants [*sic*], one son retaining the Norman, the other the English lands (p. 652).

It is difficult to understand what Mr. Doubleday means. He is speaking of the 'descendants', not the sons, of the Conqueror's followers, and yet he cannot be speaking of the loss of Normandy under John^{15a}. Happily, however, he explains in a footnote that

The Montfort and Leicester fiefs furnish a good example. Amaury, Count of Montfort, certifies Henry, King of England, that he has ceded all his lands in England to his brother, Aug. 1231 (*Trésor des Chartes*, p. 628—Angleterre II—no. 14 (4)). In June 1232 he declares that he has ceded all his lands in England to his brother Simon, Earl of Leicester (*Idem*, no. 14 (1)). . . . The writer is indebted to G. W. Watson for these references (p. 652).

It is somewhat strange that Mr. Watson, who has long made a special study of foreign genealogies, should have assisted Mr. Doubleday with these impressive references.¹⁶ For the great house of Montfort L'Amaury is not found among the duke's followers, and, if it were not for Messrs. Doubleday and Watson, we should certainly never have discovered that its *stammhaus*, between Chartres and Paris, lay in 'Norman lands'.

^{15a} For it was not on the loss of Normandy that such division took place. Indeed, his own illustration is taken from 1231-2.

¹⁶ They are duly given and the documents both printed in full in Vernon Harcourt's *His Grace the Steward and Trial of Peers* (1907), pp. 110, 112.

The writer then proceeds to remind us that 'to ascertain the truth regarding earldoms and baronies we must look . . . into the facts of history', and undertakes 'to show in startling relief the misconceptions on which popular ideas . . . are based' (pp. 652-3). We recognize one of these popular ideas on p. 676, where Mr. Doubleday writes glibly of 'the signing of *Magna Carta*', and again on p. 682, where we learn that 'the Great Charter was signed'. Mr. Tout's 'helpful criticism' seems to have been here wanting.

With the subject of historic peerage controversies a writer on 'baronies in history and in law' should, at least, be familiar. But the extent of Mr. Doubleday's acquaintance with them may be gauged from three examples. The most famous, perhaps, of all peerage cases was the contest for the barony of Abergavenny (1587-1604) between Mary, Lady Fane, claiming as heir-general, and two Edward Nevills, father and son, successively.¹⁷ But, oddly enough, there was another case, well known to peerage lawyers, which was cited as 'Neville's case' (7 Co. Rep. 33).¹⁸ In this a wholly different person, *Edmund* Neville (not *Edward*, as Mr. Doubleday styles him), claimed the earldom of Westmorland, forfeited for treason by Earl Charles [Neville] in 1570. The dignity claimed was different; the claimant was different; the date was different; the legal issue was wholly different; but, as there was an M in Macedon and in Monmouth, so there was a Neville concerned in both. Therefore Mr. Doubleday imagines, incredible though it may seem, that these two celebrated cases were one and the same. He actually writes of 'Nevil's case against Lady Fane, which Coke was reporting'.¹⁹

Yet even this is not all. In a special summary of the Abergavenny case (p. 732), which he there heads 'Despenser', he explains that 'as Lady Fane and Edward Nevill were co-heirs to the Barony of Despenser [*sic*], this gave the King an opening to compromise'. The reader will be somewhat surprised to learn that Lady Fane and Edward Nevill were *not* 'co-heirs to the barony of Despenser', or indeed to any other. Mr. Doubleday, for this case of 'Despenser' (i. e. Abergavenny), refers in a footnote to my own book, '*Peerage and Pedigree*, vol. i, pp. 78-89 and 166-201 [*sic*], where the very confused account given in Collins's *Proceedings* is disentangled.' But what is the use of disentangling that grievous mass of confusion for the benefit of one who proceeds to add fresh confusion of his own? That this expression is amply

¹⁷ The case is exhaustively discussed and the many errors concerning it traced to their source and corrected in my *Peerage and Pedigree*, i. 75-89.

¹⁸ See Pike's *Const. Hist. of the House of Lords*, p. 148 n.

¹⁹ p. 656 n. Sir Francis Palmer, of whose work (*Peerage Law in England*, 1907), as of my own, Mr. Doubleday has made liberal use, dealt with the Abergavenny case on pp. 181-2, and with 'Nevil's case' on pp. 4, 36, 192, 196, 199-202.

justified the reader will certainly admit when he learns that the second of the two citations from my own work above deals (at great length) *not*, as alleged, with the Abergavenny claim, but with that wholly different matter, 'The Lord Abergavenny's case' (12 Co. Rep.). This is the very important case (or alleged case) on which rests Coke's doctrine that the writ of summons must be followed by a sitting in parliament.²⁰ What makes Mr. Doubleday's confusion absolutely inexcusable is that at the outset of the argument he cites, I actually inserted, as a caution to the reader, a footnote that 'This case (1610) must be carefully distinguished from the contest for the barony of Abergavenny, which had come to an end in 1604'.²¹

Here we have three historic cases of the very first importance, involving as they did (or were alleged to do) (a) the question of barony by tenure, (b) the entail of dignities, (c) the necessity of a proved sitting. Mr. Doubleday confuses the first with the second and identifies the second with the third.²² *Quid plura?*

We can now approach Mr. Doubleday's development of Mr. Pike's proposition.²³ The former, quoting Mr. Pike's statement that 'as late as the eighth year of Henry VI it was expressly decided that there was a difference between a lord who was only a Baron and a lord who was an Earl or a Duke', adds, on his own authority:

The difference between 'a lord who was only a Baron' and Earls and Dukes was, however, just as marked at a very much later period (p. 690).

This statement is intended to support Mr. Doubleday's amazing contention that a baron was not a 'peer' in the same sense as an earl was. I invite the reader's particular attention to the evidence on which this statement is based. It is thus given in a footnote:

Sir Henry Maxwell-Lyte has shown the writer a transcript of a document dated 9 Edw. IV, in Sir William Pole's MS. Collections (fol. 567), in which a man is designated Nicholas Carew baron Carew, esquire.

What this citation really proves is that Mr. Doubleday at least actually imagines that at what he terms 'a very much later period' (i. e. forty years later), 'a lord who was only a Baron' could be formally styled 'esquire'. No one, I venture to think, who has any knowledge of the period, could possibly suppose

²⁰ 'This writ hath no operation until he sit in Parliament' (Institutes i, 16 b).

²¹ *Peerage and Pedigree*, i. 166.

²² This can hardly be among the results of the 'helpful criticism and valuable suggestions' of Mr. W. Paley Baildon.

²³ See above, p. 457.

that the above style could describe a member of the upper house in 9 Edward IV; the prefix 'baron' is nearly as absurd as the addition 'esquire'. But was there even any such lord temporal in 1469-70? We have only to turn to the *Complete Peerage*, of which Mr. Doubleday is 'assistant editor', to learn that of course there was not. Volume iii, in which he would be found, had already been completed for some time when Mr. Doubleday wrote, and there is no such 'lord' to be found in that volume.

What then is the explanation of the style quoted above? Simply that the Devonshire Carews were still also the holders of that feudal 'barony' of Carew (as it was sometimes styled), which was held as five knights' fees of the earldom of Pembroke, and of which Carew castle was the *caput*.²⁴ It was in virtue of this holding that the heralds sometimes styled the family 'Baron of Carew',²⁵ even as, in the bishopric of Durham, 'the family of Hilton had their chief seat at Hilton Castle in the palatinate and were reckoned titular-barons by tenure-in-chief of the Bishop'.²⁶ But what, I confess, one cannot understand is how so sound and careful a scholar as the Deputy-Keeper of the Public Records came to be thus connected with Mr. Doubleday's performance.

It is, however, when dealing with 'the facts [*sic*] concerning baronies by writ' that—taking leave of Mr. Pike's arguments—Mr. Doubleday ventures on his boldest flight. It is, I presume, generally known that, as stated at the outset of this paper, the term 'peers of the realm' (*piers de la terre*) occurs as early as 1321, in the summer of which year the earls and barons (of parliament) apply it to themselves—'nous piers de la terre, countes et barouns.' Stubbs and Mr. Pike alike mention the fact prominently. In a noteworthy passage Stubbs, speaking of 'the hereditary [*sic*] summoning of a large proportion of great vassals' under Edward I,²⁷ observes that

It is to this body of select hereditary barons, joined with the prelates that the term 'peers of the land' properly belongs, an expression which occurs first, it is said, in the act by which the Despencers were exiled [1321], but which before the middle of the fourteenth century had obtained general recognition as descriptive of members of the house of lords.²⁸

²⁴ Cf. Owen's *Old Pembroke Families*, p. 18.

²⁵ See my paper on 'The origin of the Carews' (*The Ancestor*, no. 5, pp. 35, 38-9).

²⁶ Lapsley's *County Palatine of Durham*, p. 64. Mr. Lapsley adds that 'the barons of Hilton continue to be heard of in Durham as late as 1539' (p. 65). But even as late as 1669 we find a complaint of the unseemly pride of the dean in 'taking a place above Baron Hilton at the quarter sessions, to the great disgust and reluctancy of the county gentry'.

²⁷ *Op. cit.* ii. (1875), 183 (§ 190).

²⁸ The closing words should be carefully noted. The historian cites *Lords' Report*, i. 281.

Thenceforward, as we shall see, the barons (of parliament) occur as 'peers' jointly with the earls, and so well established had this practice become by the time of Richard II that the very important patent of creation in 1387 by which a barony was conferred on Sir John de Beauchamp of Holt, spoke of his promotion 'in unum parium et baronum regni nostri Angliae'. These 'peers and barons' of whom he was thus made one had nothing but a writ of summons to show for their tenure of that position. Hence the importance of the phrase.

Mr. Pike, with whose work Mr. Doubleday is so familiar, is careful to note that 'the earliest known use of the expression "Peer of the Realm", or *Pier de la Terre*, occurs in a document of 1322²⁹ (15 Edward II)', and discusses the document at some length. He also cites subsequent cases under Edward II and Edward III, in which the earls and barons appear jointly as 'peers'. In spite, however, of this, Mr. Doubleday confidently writes :

It is significant that the upholders of the theory of barony by writ have never produced any contemporary description of a man in the 14th century which shows unmistakably that he was . . . a peer, as were the earls of that time. No man appears to have so described himself or to have been so described by others (p. 695).

All through Mr. Doubleday's arguments one notes the same endeavour to prove that barons [of parliament] in the fourteenth century were not really 'peers', because they had merely been summoned to parliament and did not hold an hereditary 'peerage'.

'There is', he proceeds, 'a description of a man by himself in 1383 which throws a most interesting and important light on the subject.' Mr. Doubleday is fully entitled to the credit of this discovery; for in this instance, so far as I know, he has not drawn his matter from the works of others. Michael de la Pole, he reminds us, 'was summoned to Parliament among the Barons' from 1366 to 1384, the summons to that of October 1383 being addressed 'Michaeli de la Pole'. We read that 'as chancellor he opened the meeting', and his opening words are quoted from the Rolls of Parliament themselves.

Vous, Mess' Prelatz & Seign'rs Temporelx, et vous mes compaignons le Chivalers & autres de la noble co[mun]e d'Engleterre cy presentz, deviez entendre, etc.³⁰

Mr. Doubleday's comments on this exordium run as follows :

Here we have a man who had been summoned for nearly 20 years, now Lord Chancellor of England, separating himself from the Lords

²⁹ Both in the text and in the marginal heading he erroneously gives this date (for 1321).

³⁰ *Rot. Parl.* iii. 149 n.

Temporal and proclaiming his equality with the knights of the shire (p. 696).

The student will instinctively feel that this cannot be so, and that the chancellor's words must here be misunderstood. As a matter of fact, when carefully read, they are seen to refer to the whole of the Third Estate and not merely to the knights of the shire. Indeed, on a later page, Mr. Doubleday himself tells us that Michael here 'ranks himself with the Commons' (p. 726). But what is far more important is the fact that Michael de la Pole is here speaking, not as a member of one of the three assembled estates, but *ex officio* as the king's mouthpiece, that is to say, as chancellor. Mr. Pike has clearly established the facts that, when they were ecclesiastics, 'the early Chancellors received a summons only when bishops', and that 'as Chancellors they attended Parliament *ex officio*'; that 'the first lay Chancellors attended, but were not summoned'; that 'a Baron Chancellor [was] summoned only among the Barons', and that 'in accordance with the practice of centuries, the Chancellor's presence in Parliament was *ex officio*, and not in virtue of any writ of summons'.³¹ Consequently Michael de la Pole, in 1383, was addressing, on the one side, the estates of the lords spiritual and temporal, and, on the other, the estate of the commons, while he himself, as chancellor, was apart from all three. Mr. Doubleday's 'interesting and important' discovery collapses like a house of cards.

But there is more than this. Having proved, as he imagines, that Michael de la Pole, although summoned as a baron, was not (in virtue of that summons) among 'the Lords Temporal', he builds on this supposed discovery the argument that this conclusion must apply also, as it would, to all those who were merely 'summoned to Parliament' by 'a personal writ'.

What, it may be asked, was the position at this time of men like de la Pole? The answer would appear to be that men who were summoned to Parliament became for the time 'Lords of Parliament', but not peers in the modern sense. As legislators who received a personal writ they sat, as one might say, 'above the salt'—with the Dukes and Earls, *but not of them*, &c.³² (p. 696).

In short, a man so summoned was not 'a peer, as were the earls of that time'.³³ Let us clearly understand what this proposition involves. 'Men who were summoned to Parliament' were 'legislators', were 'Lords of Parliament'—nay 'Barons of Parliament'³⁴—and sat 'with the Dukes and Earls'; they had

³¹ *Op. cit.*, pp. 352-4.

³² The italics are mine.

³³ See above, p. 462.

³⁴ 'Every man who was a Lord of Parliament by reason of his writ of summons was a Baron of Parliament' (p. 689).

long claimed as 'peers of the realm', in common with the dukes and earls, 'that on no account should peers, whether ministers or not, be brought to trial, lose their possessions, be arrested, imprisoned, outlawed, or forfeited, or be bound to answer or judged except in full parliament, and before their peers';³⁵ and yet, in spite of all this, they were not really peers; they had no place among the lords temporal. One can only say, as Mr. Doubleday himself says of the principle involved in recent peerage decisions (p. 692): 'It reads more like *Alice in Wonderland* than a proposition soberly advanced. Men 'are summoned to Parliament', we are informed, 'as Barons', but when parliament meets and the three estates are assembled, Mr. Doubleday bars the door against them; they are not among the elected representatives of the estate of the commons, and Mr. Doubleday denies them a place among 'the Lords Temporal'. How then could these unhappy men obey the king's summons and attend to hear, from his representatives, 'la prononciation des Causes de la Somonce'? For them alone there was no place; they remind one of nothing so much as of the showman's amphibious monster who 'could not live on land and died in the water'.

Such is the desperate plight to which Mr. Doubleday is reduced in his endeavours to prove that the baron, under Richard II, was not 'a peer, as were the earls' (p. 695), and thus to assail 'that monstrous growth, the barony by writ' (p. 700). There is one more matter with which it is necessary to deal, because of its importance in peerage history and because of the special prominence which Mr. Doubleday has given it. Thomas de Furnival, with whose amercement this paper began, was the first of four Furnivals consecutively summoned to parliament. The first summons of this family was to 'the Model Parliament' of 1295, and the last was dated 7 January, 6 Rich. II (1382/3), being addressed to the fourth Furnival so summoned, who died 12 April 1383. He was the last of the house in the male line, and left an only daughter as his heir. Now it is a very noteworthy fact that we have here a virtually continuous succession of writs, from the first valid parliament to the last Furnival's death.³⁶ To this series of writs I attach great importance as giving us what was practically an hereditary barony from the earliest date now claimed even by a peerage lawyer. When the third of the Furnivals was succeeded by his younger brother (1364), the latter promptly received, as his heir, a writ of summons. It is a fair

³⁵ See Stubbs's summary of the report of the Stratford case (1341) in *Const. Hist.* ii. (1875), 389 (§ 258). Cf. Pike, *op. cit.*, p. 195.

³⁶ In these thirty-eight years the only break was after the death of the second of the line, early in October 1339. His *Inq. p. m.* (shortly after 21 October 1340) states that his son Thomas was then aged 17, so that he would not be of age till 1344 or thereabouts. He was not summoned till 1348.

inference that, but for their extinction in the male line, the family would have continued to be regularly summoned to parliament.

We have thus, in the Furnival writs of summons, a very valuable illustration of what Stubbs termed 'hereditary summoning' from the days of Edward I, or, as he elsewhere described it, 'the hereditary reception of the summons'. This is the practice which Mr. Doubleday so vehemently denies, and which he asserts can only be accepted 'by those who are wholly ignorant of English history' (p. 683). His fundamental fallacy consists in assuming that if words of inheritance are not to be found in the writ of summons, an hereditary right to receive that summons could only have been the result of an 'imposition', effected by 'a subtle campaign' (pp. 679, 701). The fact, of course, is that, as Mr. Pike admits,³⁷ 'the baron acquired a *prescriptive*³⁸ right to be summoned to parliament'; the right, as he elsewhere expresses it,³⁹ was based on 'the *prescription* in accordance with which the representatives of the same families were called to parliament generation after generation'. The right, in Stubbs's words, was 'attested by the hereditary reception of the summons' (ii. 204). It is needless, therefore, to postulate 'a subtle campaign' or a 'monstrous imposition' for what was only a natural development from the issue of writs to the Furnivals, for example, 'generation after generation'. The strength of prescription in this country can only be denied, if I may quote Mr. Doubleday's words, 'by those who are wholly ignorant of English history' (p. 683).

To the Furnival peerage claim in 1913 Mr. Doubleday has devoted over three pages, on the ground that 'it is worthy of special consideration, for it is typical as a peerage case both in the nature of the claims made and in the Committee's treatment of them' (p. 720). With regard to the first summoned Furnival and his objection 'to being amerced as a baron'⁴⁰ (p. 720), we are merely told that his disclaimer 'throws a curious light on the estimation in which he held the status of Baron which tenure by barony could give him'. It is rightly here recognized that the question had nothing to do with his summons to parliament, although on p. 688 Mr. Doubleday had argued that

the absurdity of the doctrine that a writ in the time of the three Edwards created a man a peer in the modern sense is demonstrated by facts such as . . . the repudiation of barony by a man who was summoned.

A footnote to this argument explains that 'Thomas de Furnival, summoned to a Council in 1283 and to Parliament from 1295 to 1332, in 19 Edw. II denied that he was a baron'. I have already

³⁷ *Op. cit.*, p. 147.

³⁹ p. 114.

³⁸ The italics are mine.

⁴⁰ See above, pp. 453-6.

shown that what Thomas 'denied' was that he was a baron *by tenure*, and that he did not even question his status among the barons of *parliament*.

I can speak with special knowledge of the Furnival peerage claim, having acted on behalf of the Crown throughout. The point at issue was quite simple, but was of great importance. The Crown did not question the writs of summons to Thomas Nevill (who married the heiress of the last Furnival) from 1383, or his sitting in parliament. But it denied the claim that the four Furnivals were peers, on the ground that there was no valid 'proof of sitting' in the case of any one of them. Consequently it denied that they could transmit a peerage to their heiress, and contended therefore that Thomas Nevill could not have been summoned in right of his wife, because no such right was vested in her. This was the argument that I had advanced in my *Peerage and Pedigree* (i. 274), where I wrote that there was no valid 'proof of sitting', and that, therefore

if the barony of Furnival should be claimed, . . . we might learn if the heiress of a non-existent barony could transmit that barony to her husband.

Everything, therefore, turned, as I have said, on the 'proof of sitting'. This, I may remind the reader, is a purely legal point; but the reason why it is of paramount importance and indeed vital, is that peerage law, as is well settled, requires such proof to be given, and to be given from 'the records of Parliament'.⁴¹

I accept the following summary by Mr. Doubleday of the issue:

The Crown contended that neither the above-named Thomas de Furnivall [i. e. the first Furnival summoned] nor any of his descendants were peers [*sic*], and that the first peer was either Thomas Nevill or his son-in-law, John Talbot.

The business of the Committee was to listen to, and adjudicate on, the evidence and arguments which the petitioner advanced to prove that the Furnivals were peers [*sic*].⁴²

Quite so; and the committee, of course, could only accept such evidence and arguments as should be in accordance with settled peerage law. The Crown, therefore, was bound to insist on the need for 'proof of sitting', all the more so because that need, whether historically justified or not, is the one great barrier against a flood of peerage claims which could otherwise be advanced. I have elsewhere dealt with the efforts made on

⁴¹ 'It is essential that a sitting shall be proved. . . This rule, that the records of Parliament are the proper and only evidence of a sitting in Parliament, is one which was laid down by Lord Coke, and has been recognized ever since' (Palmer's *Peerage Law in England* (1907), pp. 45-6).

⁴² p. 720.

behalf of the petitioner to supply the lacking proof.⁴³ Eventually a new document was produced in the midst of the hearing before the committee, namely a royal charter granted 16 March 1306/7, at the time [it was claimed] of the Carlisle parliament. It was described by counsel as a 'charter to which Thomas de Furnivall is a witness at Carlisle during the holding of a Parliament there—that is from the Charter Roll of the 35th Edward I, 16 day of March. That will be 1306' [*sic*]. Asked whether 'that is to show that he was present', counsel replied 'Yes, at Carlisle.'

Now I am not going to argue the case all over again, although there can rarely have been a decision so open to damaging criticism. The only point on which I have to insist for the present is that such a charter is obviously not one of 'the records of Parliament'. Even if it were, it does not prove that the witnesses thereto took their seats in parliament. If it did so, a 'proof of sitting' would be easy enough to discover in other cases also. I therefore hold as strongly as ever that from the *point of view of peerage law* the committee's decision was clearly wrong. I formally recorded at the time my reason for doing so, in the interest of the Crown, and I hold a letter from that brilliant scholar, the late Mr. Raymond Asquith, with whom I was privileged at the time to work, in the preparation of the argument for the Crown, expressing entire concurrence with my view and agreeing with me as to the great danger of admitting any but strictly valid 'proof of sitting'. I subsequently expressed in print the same view in the plainest possible manner.⁴⁴

All this I am obliged to explain, because with an audacity rarely equalled, Mr. Doubleday has charged me in the following passage with having changed my view on the subject, in consequence of the committee's decision. His assumption of tragic despair at what he considers my desertion of 'the cause of truth which the modern school of history seeks to promote', may cause some amusement to the readers of this Review.

Not the least remarkable feature of the Furnivall case is the effect it appears to have had on J. H. Round's opinions regarding baronies by writ. Writing in 1910 on the possibility of a Barony of Furnivall being claimed (*Peerage and Pedigree*, vol. i, p. 274) he said: 'In this case, therefore, also we might learn if the heiress of a non-existent barony could transmit that barony to her husband.' In an article in the *Quarterly Review*, July 1915, entitled 'Recent Peerage Cases', he discussed the Furnivall case, and wrote of Thomas de Furnivall, summoned to Parliament in 1295, 'and indeed to the lay mind *even of a critical historian*, it would certainly seem clear that *he and his heirs were peers*'. [The italics are mine.—H.A.D.] Those who looked to him as a leader in the cause of truth which the modern school of history seeks to promote may well exclaim, 'Et tu, Brute!'

⁴³ *Quarterly Review*, July 1915, no. 444, p. 69.

⁴⁴ *Ibid.*, ut supra.

It is unfortunate that this criticism compels one to impugn either the intelligence or the *bona fides* of Mr. Doubleday. For the reader will be greatly surprised to learn that instead of its having been left for him to reveal my alleged contradiction, by bringing the above passages together, I myself had actually done so in the *Quarterly* article, from which he quotes (pp. 68-9). I myself had there repeated the passage in *Peerage and Pedigree*, with the further words :

and how a barony can be 'vested in' a man in right of his wife,⁴⁵ when there was no recognized barony, *as the law is now settled*, to which she could have succeeded.

Worse still, in order to produce the appearance of contradiction, Mr. Doubleday has gone so far as to suppress deliberately the words which follow the passage he has placed in italic type. They are these :

Yet such a conclusion from the evidence is, *if historically right, wrong in strictness of law*. We had here, in fact, one instance the more that 'hard cases make bad law'. No one would allege that a royal charter is a 'record of Parliament', or that those who witnessed it are thereby proved to have taken part in 'a parliamentary proceeding'. Wishing to do substantial justice, their lordships were resolved that petitioner should not suffer for the want of that technical proof of sitting which the law, as long settled, undoubtedly requires (p. 69).

It is impossible, I submit, for any candid reader to mistake my meaning or to discover any contradiction between my earlier and my later statement, which appear side by side in the *Quarterly Review*. I hold as strongly as ever that *the peerage lawyer* is bound to deny that the Furnivals held a peerage barony, on account of the fatal absence of a valid 'proof of sitting', but I also hold that the '*critical historian*' would be satisfied by the evidence that the Furnivals 'were peers'. For the need of 'a proof of sitting' was a doctrine invented by lawyers; the historian knows nothing of it; it troubles him not at all.

It is precisely because the Furnival decision illustrates so forcibly the difference between the historian's point of view and that of the peerage lawyer that it has for historical students so peculiar an interest. No one should be more alive to the distinction and, therefore, to my real position than Mr. Doubleday himself, for he heads his treatise 'Earldoms and Baronies *in history and in law*', as if to accentuate the difference between the two points of view. This, indeed, is his thesis.⁴⁶ Of the arguments on which in the Furnival case the committee based their decision

⁴⁵ This I took from my *Peerage and Pedigree* (i. 274).

⁴⁶ e. g. p. 686: 'So little is the historical atmosphere of early times in England understood by' peerage lawyers, &c.

—the *rationes decidendi*—the principal one was that Thomas de Furnival, who had been summoned to the parliament of Carlisle in 35 Edw. I, is found at Carlisle, as a witness to a royal charter, 16 March 1306/7. The late Lord Ashbourne, who took the lead ⁴⁷ in the judgements, argued thus :

There is also another circumstance that would go to show or makes it highly probable that the first Lord [*sic*] Furnival did sit in Parliament. His name is not returned in the list [*sic*], but a Parliament was held at Carlisle, and that was not near his home, for he was a Norfolk [*sic*] man ; he was at Carlisle, the place where Parliament was held, and where he was summoned to attend a Parliament, and he took part in attesting a document there (*Minutes, &c.*, p. 28).

I agree. With this evidence before him ⁴⁸ an historian would certainly deem it 'highly probable' that Thomas did attend this parliament at Carlisle. The essence of the argument is that Carlisle 'was not near his home', so that he would not be found there except for some reason. His attendance at parliament would supply that reason.

Although, as we have seen, Mr. Doubleday tells us that 'he has to thank . . . the officers of the House of Lords for many courtesies' (p. 651), and although he 'is indebted' to them in the Furnival case 'for the use of the transcript of the shorthand notes' (p. 721), he shows his gratitude by sarcastically stating that 'when we turn to the judgements delivered we find the same laxity: the facts apparently did not matter' (p. 721). I should be the last to deny that the 'judgements' invite criticism ; but let us at least be fair. He seizes on the *lapsus lingue* 'for he was a Norfolk man' as ground for this comment :

Needless to say, he was *not* a Norfolk man, but came from Sheffield, a fact that was constantly referred to in the hearing of the case. That an argument which greatly influenced their Lordships' decision was based on a false assumption did not disturb the Committee's equanimity. The mistake was mentioned after the judgements were given, but no one worried about such a trifle (p. 722).

To those familiar with the map of England it will be obvious that the argument in question is not affected by the slip. If Sheffield was the seat of Thomas de Furnival, then it remains no less a fact that Carlisle 'was not near his home'; it was indeed remote therefrom, owing to physical obstacles no less than to distance. If Mr. Doubleday had wished to criticize the judgements and had understood the matter sufficiently to do so, he could have added to what he says of the unhappy statements for which Lord Shaw was responsible, that learned lord's con-

⁴⁷ As former Lord Chancellor of Ireland.

⁴⁸ It is somewhat loosely here summarized.

fidet citation of 'the Close Roll of Parliament' [*sic*] for 1383, and his assertion that he had looked also at 'the Parliament Roll for that Parliament' and had there found the name of 'Le Sire de Furnivall';⁴⁹ this was a really vital blunder on account of the stress his lordship laid on the alleged fact. For not only is there no such entry on 'the Parliament Roll for that Parliament' (7 Ric. II), but not till 21 Ric. II is such an entry found.⁵⁰

Returning to my critic's allegation that I have changed my view in consequence of the Furnival decision, it is possible that the real reason for Mr. Doubleday's despair is that I think it clear, to an historian, that the four Furnivals 'were peers'. I repeat that statement without any reservation. An historian⁵¹ would agree with Lord Ashbourne in thinking 'that the earlier Furnivalls were not only summoned to every parliament,⁵² but the circumstances go to show a tremendous probability [*sic*] that they actually sat in parliament'.⁵³ If so, they must have been 'peers'; for, as historians of course know—though my critic, incredible as it may appear, seems to be actually ignorant of the fact—barons of parliament were 'piers de la terre' at least as early as 1321, that is to say, in the lifetime of the first summoned Furnival (*d.* 1332). Mr. Pike admits that 'English Peers first spoke of themselves as Peers of the Realm in the reign of Edward II'.⁵⁴ The word is again used in 4 Edward III, 1330,⁵⁵ when Simon de Beresford's case came before the peers, and in Archbishop Stratford's case (1341) 'les piers de la terre' claimed to be judged only 'en pleyn parlement et devant les piers'. It is needless to multiply examples. As for my critic, I am not aware *quo warranto pillorium levavit*, but I am proud to know that I there stand by the side of my old master, Stubbs. Dealing with the reign of Edward I and his 'hereditary summoning of a large proportion of great vassals', he wrote thus :

It is to this body of select hereditary barons, joined with the prelates, that the term 'peers of the land' properly belongs, . . . which before the middle of the fourteenth century had obtained general recognition as descriptive of the members of the house of lords.⁵⁶ . . . The estate of the peerage is identical with the house of lords.

⁴⁹ *Minutes*, p. 29.

⁵⁰ It was not even claimed on behalf of the petitioner that there was such an entry earlier than this (*Case*, p. 8; *Minutes*, p. 87).

⁵¹ I have (as usual) to guard myself against this statement being turned against me by peerage counsel.

⁵² I make only the reservation expressed on p. 464, note 36, above.

⁵³ *Minutes*, p. 28.

⁵⁴ *Op. cit.*, p. 109; see also pp. 157-8.

⁵⁵ 'Et est assentu et acorde, par nostre seigneur le roi et tous les grantz en pleyn parlement qe tut soit il que les ditz peres . . . que par tant les ditz peres que ore sont, ou les peres qui serront en temps a venir, ne soient mes tenez . . . a rendre jugement sur autres que sur leur peres', &c.

⁵⁶ *Const. Hist.* ii. (1875), 183-4.

And again :

The house consisted of the lords spiritual and temporal, the 'prelatz et autres grantz' . . . all the 'grantz' summoned in the class of barons were no doubt peers.⁵⁷

I apprehend that those who desire that 'truth which the modern school of history seeks to promote',⁵⁸ will turn for it rather to the lips of Stubbs than to those of Mr. Doubleday.

I feel that I cannot close without some protest against the use that Mr. Doubleday has made of the works of others. In his arguments one recognizes too often those which he has taken from Mr. Pike or from myself. It seems, to say the least, ungracious, when making use of Mr. Pike's argument for the statement that the son and heir of an earl did not succeed his father as earl till he had been girt with the sword of the earldom,⁵⁹ to confine his acknowledgement to the comment that 'Pike . . . has confused William de Mandeville, 3rd Earl of Essex, who d. s. p. 1189, with Geoffrey de Mandeville, 1st Earl, who d. 1144' (p. 666). It will, I suppose, be admitted that I can speak with authority on Earl Geoffrey and his family,⁶⁰ when I say definitely that Mr. Pike was here guilty of no confusion at all. Again, I naturally object to being cited for certain facts, but not for others, as if the latter were not taken from my works. It is true that at the outset (p. 651) my critic makes a general 'acknowledgment of the debt which he owes to' them; but occasional references are misleading to the reader. To one example I desire to draw special attention. In my *Studies in Peerage and Family History* (pp. 363-5) I dealt with the striking contradiction between the determination of the Windsor abeyance in 1855 and the dates assigned to other baronies created at the same period by the committee for privileges, when the cases came before them. The Windsor abeyance had never come before the committee at all. Mr. Doubleday, however, does not cite me, but charges the committee 'in the case of Burgh' (1912) with having 'upset a previous decision in the Windsor case' (p. 723). There was no 'decision' on Windsor, because there was no 'case'. The moral of this last example of Mr. Doubleday's accuracy would seem to be that critics should make sure of their facts, and that, if one must plagiarize, it is well to plagiarize with care.

J. H. ROUND.

⁵⁷ *Ibid.* iii. (1878), 432, 440.

⁵⁸ See above, p. 467.

⁵⁹ Pike, *op. cit.*, p. 61. The source of Mr. Doubleday's information is evident from his repetition of Mr. Pike's error in writing of 'Michaelmas term in the fifteenth year of John's reign (A. D. 1214)'. For he states that this took place 'in 1214', which affects the argument.

⁶⁰ See, not only my *Geoffrey de Mandeville*, but the long passage on his successors cited from my *Ancient Charters* by Mr. Doubleday on pp. 665-6.

The Navy under Henry VII

THE condition of affairs in Europe, and the policy of Henry VII, rendered it unnecessary for that monarch to maintain a powerful navy. His naval, like his foreign policy, was one of consolidation rather than extension. It is true that he was the first English sovereign who mixed to any considerable extent in general European politics : but he did so from necessity, not from choice ; for the safe preservation of his kingdom, not from motives of aggrandisement. He aimed at rendering secure the throne which he had won ; and desired neither territorial acquisitions nor the power to dictate to, or to be deferred to by, the countries of Europe. Almost the sole function which the navy was called upon to perform was the transport of troops to the Continent or the outlying parts of Britain, on such expeditions as the sovereign was forced to undertake for the security of the kingdom : with the policing of the seas against pirates Henry troubled himself little. The transport of troops to the Continent he was able to undertake without opposition ; for with Brittany friendly or neutral, there was nothing to be feared from France at sea. When, indeed, Charles VIII married Anne, Duchess of Brittany, in 1491, and thereby incorporated the duchy in the kingdom of France, he gained a valuable addition to his naval strength, in the ports and dockyards of Brittany, and in the Breton seamen, whose value to the fleets of France at that time may be compared with that of the men of Devon to the Elizabethan navy, and the Biscayan fishermen to the fleets of Philip II of Spain. But the activities of the French king were mainly directed towards the Mediterranean ; and in any case Henry VII had no more intention of becoming committed to a prolonged struggle with France, than had Charles of entering upon a war with England. Henry is presented to us by historians as grasping, and his rule as hard ; but if he added few ships only to the navy, and made but small use of it, at least he carried on the policy of the Yorkist kings of setting up a compact and well equipped force. He granted a bounty on the building of merchant ships, and he constructed the first permanent dry dock known to have been built in this country.

From early times the English sovereigns had been responsible

for the safe keeping of the seas, and certain dues, the principal of which were tunnage and poundage, were granted to them for the maintenance of a force of ships for this purpose. The royal ships formed merely the nucleus of the navy, which was brought up to the required strength, in a time when merchant vessels differed little from, and were easily converted into, fighting ships, by the exercise of the prerogative of impressment of merchantmen when offensive operations were to be undertaken overseas. The system dislocated and hampered trade, particularly in the case of a long war. Communication was slow and difficult, and fleets took a long time to assemble. Irregularities in connexion with impressment frequently occurred. There were complaints, for example, of ships being impressed long before they were required; and no doubt these complaints were not unreasonable. For once a merchant vessel got to sea on a voyage she was lost to the kingdom for an appreciable period: unscrupulous commissioners would naturally therefore be inclined to impress recklessly, lest some eligible ship should escape service. Under Henry VI the royal navy had ceased to exist; one of the first acts of the Protector and Council of Regency being to order the sale of the crown ships, and the administration of the navy thereafter carried out by contracts entered into with various ship owners or persons of rank. The system was never altered during his reign, owing largely to the king's financial difficulties consequent upon the war with France and the Civil War, which rendered it impossible for him to find the necessary money. Under Edward IV the royal navy was reconstituted and a definite policy adopted, which was continued by Richard III; so that, with the crown, Henry VII succeeded also to a small but sufficient navy.

From the reign of Edward IV came four ships—the *Gracedieu*, *Mary of the Tower*, *Trinity*, and *Falcon*. The date of the entry of the *Gracedieu* into the royal navy is unknown, neither is it certain whether she was constructed by Edward IV or bought;¹ and if the latter, whether she was an old or a new ship at the time. But in 1473 she underwent an extensive refit. Her service in the fleet of Henry VII lasted only two years, for in 1487 she was broken up and her 'Stuff takle and Aparail ordinaunces artillaries & Abilaments of werre' were 'deliuered . . . to Sir Raynold Bray Knyght by the Kyngs high Comaundment by him to be broken spent and emploid for and upon the makyng of his ship cald the *Souueraine*.'² The *Mary of the Tower* was the *Carrack* of Edward IV,³ a Spanish vessel purchased in 1478. The price paid,

¹ It is not on record that Edward IV constructed any vessels in his own yards.

² Chapter House Book vii, printed for the Navy Records Society by M. Oppenheim, *Accounts and Inventories of Henry VII*.

³ 'Carraquon' or 'Carycon'.

£100, indicates that she cannot have been a new ship at the time. How or when the *Trinity* and *Falcon* were obtained by Edward IV is not known.

Of the ships added to the navy by Richard III two at least descended to his successor, namely the *Martin Garsia* and the *Governor*, the latter having been purchased for £600 in 1485 from Thomas Grafton and two others.⁴ She had an existence of only three years in the royal navy.

Six ships are known to have been added to the royal navy by Henry VII. Of these *Le Prise*, renamed *Margaret*, was, as her name denotes, a capture from the French (during the expedition which was undertaken for the protection of Brittany in 1490): one, the *Caravel of Ewe* (the *Mary and John* of Henry VIII) was a purchase; and the remaining four were of new construction. The first ship to be built by Henry VII, after his accession, was the *Regent*, constructed by William Bond on the Rother, in Kent, a then tidal river. The king's instructions were to the effect that she was to be made on the model of a certain French ship which Henry had perhaps seen and noted during his exile. She was to have been of 600 tons, but her actual tonnage on completion is not known. Six hundred tons was a great size for an English warship at the end of the fifteenth century; but there is noticeable in the other two Tudor sovereigns who took an active interest in the navy, namely Henry VIII and Elizabeth, the tendency to build at least a few huge ships; and this not alone from motives of display—certainly not in the case of Henry VIII—but on account of the moral effect in action of these great vessels. A second motive may be found in the use to which the Tudor sovereigns did not disdain to put their ships in time of peace, namely hiring them out to merchants for trading voyages. Since they were better able than merchantmen to cope with pirates whose depredations constituted one of the dangers of the sea, these large ships were doubtless in considerable request by merchants, more particularly since the crown was in a position to let them out cheaply. The construction of the *Sovereign* from the timbers of the *Gracedieu* proceeded coincidentally with that of the *Regent*. The remaining two vessels built by Henry were the *Sweepstake* and the *Mary Fortune*. Both date from 1497 and cost £120 3s. 2d. and £110 17s. 0d. respectively.⁵ Their tonnage is not known, but, though both were three masted, they were small ships, being described as 'barks'. Other ships have been credited by different authorities to the navy of Henry VII on the strength of their being designated 'king's ships'. It was,

⁴ Oppenheim, *Administration of the Royal Navy*, p. 34.

⁵ Augmentation Office Book, no. 316, printed in *Accounts and Inventories of Henry VII.*

however, the fashion so to describe vessels taken up temporarily for the service of the crown.

The navy list, then, of Henry VII, as far as it is known, is as follows :

| <i>Ship.</i> | <i>Added to the navy.</i> | <i>Put out of service.</i> |
|----------------------------|---------------------------|------------------------------------|
| <i>Gracedieu</i> | By Edward IV | Broken up 1487 |
| <i>Mary of the Tower</i> | Bought 1478 | Disappears after 1496 ⁶ |
| <i>Trinity</i> | By Edward IV | „ „ 1503 |
| <i>Falcon</i> | „ „ | „ „ „ |
| <i>Martin Garsia</i> | By Richard III | 1485 ⁷ |
| <i>Governor</i> | Bought January 1485 | Disappears after 1488 ⁶ |
| <i>Margaret, of Dieppe</i> | <i>Le Prise</i> , 1490 | „ „ 1503 ⁶ |
| <i>Regent</i> | Built 1487 | Descended to Henry VIII |
| <i>Sovereign</i> | „ „ | „ „ „ |
| <i>Caravel of Ewe</i> | Bought by Henry VII | „ „ „ |
| <i>Sweepstake</i> | Built 1497 | „ „ „ |
| <i>Mary Fortune</i> | „ „ | „ „ „ |

Henry VII recognized the dependence of the crown upon the merchant marine. Merchant vessels formed the greater part of every fleet which was got together for offensive or defensive operations of war ; and their rôle was not necessarily confined to the merely passive one of transport and supply. In order therefore to encourage the production of merchant vessels fit to be taken up for war service, Henry made a practice of giving a bounty on new construction. In so doing he was creating no precedent, for a bounty is known to have been paid as early as 1449 ; but it was not until the time of Henry VII that payment became in any way regular, as it must necessarily be, if the purpose of stimulating production was to be achieved. It is possible that during his exile abroad Henry had seen the working of some Spanish system of bounties ; ⁸ for there is presumptive evidence that one was in force before 1485. The scale of the bounty as paid by Henry was not systematic. It ranged as high as five shillings a ton (the usual rate under Henry VIII and Elizabeth). It was paid only on large ships, though it is not known where the line of demarkation, if any, was drawn between vessels fit or otherwise for crown service by virtue of their size, but it must have been somewhere near 80 or 100 tons. The bounty is also known to have been paid on ships purchased from foreign owners.

Henry's encouragement of the merchant marine showed itself in other ways besides the payment of the bounty. During the

⁶ Oppenheim, *Royal Navy*, p. 35.

⁷ 'Delivered to Sir Richard Guldeford Knyght to have of the Kynges yift by vertue of a warraunt vnder the Kynges signet . . . directed the xxiiijth. day of the said Month of Decembre the first yere of ye reigne of our said Souveraigne lord the Kyng that nowe is', Chapter House Book vii (*Accounts and Inventories of Henry VII*).

⁸ Oppenheim, *Royal Navy*, p. 37.

earlier part of his reign various navigation acts were passed, the general purpose of which was that goods should only be imported in English ships manned by English seamen. That he realized the importance of a large fishing population upon which to draw for crews, is shown by the annulling, in 1506, of the treaty which gave to foreigners the right of fishing in English waters.

The discoveries which were being made in America at this period, while increasing the importance of the ports on the south and west coasts of England, affected the country little in other ways. England was at that time too poor to indulge in colonization, and not sufficiently strong to risk the inevitable encounter with Spain which would have resulted had English discoverers persisted in attempts to open up territory in the New World. And Henry's object was to avoid embroiling the country in war with foreign powers.

Mention has been made of the crown prerogative of taking up merchant vessels in time of war or emergency. Under Henry VII the rate of hire was a shilling for a ton per month. Beyond the appointment of a captain and a few officers, the putting of soldiers and gunners on board, and the mounting of extra guns, little was required to convert the merchant ship of that period into an effective fighting unit. Warrants for the delivery of ordnance stores for arming a merchant vessel, the *Isle of Jersey*, employed on the royal service in 1486, show that 8 serpentines and 201 pounds of powder were put aboard.⁹ In 1488 to each of two ships of 240 and 140 tons respectively, nine guns were delivered out of the king's storehouse at Greenwich, and six to a third ship, of 220 tons. In the same expedition 'ccc shefes' of arrows were delivered 'towards the enarmyng of iij Spaynard Shippes appointed to the see in the said Armye'. It was part of Henry's policy to hire Spanish ships for his expeditions, even when English merchant vessels were available and the king's ships not all employed; and this although the rate of hire paid was, during at least part of the reign, double that for native ships. It has been suggested that he saw in it a minor way of knitting together the ties connecting England with Spain, and that he experienced difficulty at times in obtaining ships at home owing to the unwillingness of merchants and owners to lend them: there was continual friction between the crown and the owners as to the amounts due to the latter at a period when the calculation of ships' tonnage was a matter bristling with difficulties. It is possible, however, that Henry understood the evils of a system which by taking merchantmen away from their legitimate business dislocated trade. In addition to hiring, Henry attempted to

⁹ Chapter House Book vii (*Accounts and Inventories of Henry VII*).

purchase Spanish ships, a cheaper measure, perhaps, than building for himself. In this, however, he was unsuccessful; and it is possible that there existed ordinances prohibiting the sale to foreigners of Spanish merchant vessels. The armament carried by merchantmen when engaged upon their ordinary avocations seems sometimes to have sufficed when the ships were taken up for the king's service; for according to a 'declaracion . . . of all the Ordinaunce Artillaries & Abillamentes of warre . . . for the Furnysshing and Enarmyng of our Sovereigne lorde the Kynges Shippes appointed for to serve the Kyng in hys most noble Army on the See Ayenste the Auncyent enemies and Rebelles of Scotland' in the year 1497, seven merchantmen were supplied with powder and shot only in addition to bows and arrows, 'bylles', and 'speres'.¹⁰

Like his two predecessors, but unlike his successor, Henry VII was content that his navy should be administered by a single official, the Keeper or Clerk of the Ships. It was by no means the rule, however, for all payments in connexion with the royal ships to be made through this official. The building of ships and the purchase of victuals and stores was frequently given to persons other than the Clerk of the Ships—persons, perhaps, whom the king wished to repay for some service rendered. Neither the *Regent* nor the *Sovereign*, for example, the two largest vessels constructed under Henry VII, were built by Thomas Roger, the then Clerk of the Ships: the former was built by Sir Richard Guildford, Master of the Ordnance, and the latter by Sir Reginald Bray, Treasurer at War. The refitting of the *Sovereign* in 1486 was carried out by Henry Palmer, a Clerk of the Exchequer, who 'kepith the hole Accompt & Rekinnyng of the newe makyng of the said Ship And the said Thomas Rogers ne his seruants were neuer as yet privee ne dealing with the same.'¹¹ In May, June, and July of the same year 'the somme of ^{xx}Deiiijxiiiij^{li} iij^s iiij^d'¹² and 'the somme of xxx^{li}' were 'paid at Harwich vnto Thomas Brandon & his cumpeyny Capitaynes of the Kynges flete vpon the See . . . for the Wages & vittail of sundrie marriners & soldiors there reteyned in the Kyngs seruice'.

The Thomas Roger or Rogers just mentioned, a London merchant, had been Clerk of the Ships under Edward IV and Richard III. He continued in office under Henry VII until his death in 1488. By a patent dated 21 February 1486 he was to

¹⁰ Augmentation Office Book, no. 316. (*ibid.*)

¹¹ Chapter House Book vii. (*ibid.*)

¹² The sum of £694 3s. 4d., ^{xx}iiij being a method of writing 80.

remain in office for the term of his life. Pay was granted him at the rate of a shilling a day for himself and sixpence for a clerk, with three shillings a day for travelling expenses when upon the king's business. He was succeeded by William Comersall. Why the appointment of the latter terminated is not clear, but by a patent dated 19 May 1495 his successor, Robert Brygandyne, commenced accounting from the first of that month. The salary remained the same in each case. Brygandyne was in office during the rest of this, and for several years of the succeeding reign.

There is no record of the entire expenditure on the navy during the reign of Henry VII. The accounts of the Clerk of the Ships for two separate periods, namely from 29 September 1485 to 20 February 1488, and from May 1495 to December 1497, are, however, available.¹³ During the first period the receipts were £1,864 11s. 3d. and the expenditure £1,814 11s. 3d., of which latter sum £787 8s. 5d. did not pass through the hands of the Clerk of the Ships. The sum of £1,027 2s. 10d. for which Thomas Roger accounts was expended as follows :

| | £ | s. | d. |
|--|-----|--------|--------------------|
| Refitting the <i>Mary of the Tower</i> | 174 | 16 | 6½ |
| ‘ Foreign emptions ’ : | | | |
| 8 iron serpentines | £ 8 | 0 | 0 |
| 201 lbs. gunpowder | 5 | 0 | 6 |
| 2 cables & 1 hawser, 2,739 lbs. in all,
@ 10 shillings per 100 lbs. ¹⁴ | 13 | 13 | 9 |
| | | 26 | 14 3 |
| Ship keeping in harbour : | | | |
| <i>Gracedieu</i> | 56 | 19 | 0 |
| <i>Mary of the Tower</i> | 39 | 14 | 10 |
| <i>Governor</i> | 19 | 2 | 8 |
| | | 115 | 18 2 ¹⁵ |
| Wages & victualling of hired ships | | 715 | 0 0 |
| Administrative expenses : | | | |
| Hire of storehouse at Greenwich | 12 | 12 | 8½ |
| Do. in London | 1 | 6 | 6 |
| Travelling expenses of Exchequer
Clerks | 6 | 14 | 6 |
| Reward to Spanish ships ¹⁶ | 20 | 0 | 0 |
| Stationery for the office | 4 | 0 | 0 |
| | | 44 | 13 8½ |
| | | £1,027 | 2 10 ¹⁷ |

¹³ Chapter House Book vii and Augmentation Office Book, no. 316 (*Accounts and Inventories of Henry VII*).

¹⁴ This calculation is not exactly correct.

¹⁵ The accounts frequently do not balance.

¹⁶ ‘ Also paid by the Kynges high comaundment to diuers Maisters & marriners belongyng vnto diuers Shippes of Spayne reteyned to do the Kyng seruice in Reward because of their long abiding in Thammys without wages or vittell abiding the Kyngs vorage.’

¹⁷ This total should be £1,077 2s. 8d.

The expenditure on the *Mary of the Tower* was made up as follows :

| | | £ | s. | d. | |
|---|--------------------------------|-------------|----|----|---|
| Cables of sundrie sortes | vj | 81 | 4 | 7 | |
| Caggyng ¹⁸ cable | j | 6 | 17 | 1 | |
| Hauser | j | | | ? | |
| Takkes | j payr | 6 | 8 | 4 | |
| Shets | j payr | | | | |
| Ropes of sundrie sortes made of
the Kynges old Ropes | MMCCC lb. | 3 | 16 | 8 | |
| Saile Twyne | vj skaynes | | 3 | 4 | |
| Canuas | iiij boltes | 3 | 0 | 0 | |
| Anker | j | 5 | 6 | 8 | |
| Sculles | ij | | 6 | 0 | |
| Gonne poudre in iiij barreles | DCCiiij lb. | 17 | 11 | 6 | |
| Mayne meson mast | j | 4 | 0 | 0 | |
| Cokkes ¹⁹ | j | 4 | 6 | 8 | |
| Toppe Armynge of Say ²⁰ | j | 2 | 0 | 0 | |
| Shovilles shod | iiijdd ²¹ | | 16 | 0 | |
| Pitch Kettell | j | | 16 | 8 | |
| Tymbre | | 1 | 2 | 8 | |
| Pitch & Tarre | j last | 2 | 8 | 0 | |
| Ocum (@ 5½d. per stone) | xl stone | 18 | 4 | | |
| Ship bordes ²² | vij | | 2 | 0 | |
| Nailles ²³ | | | 3 | 3 | |
| Sundrie necessaries of Irne | | 2 | 0 | 1½ | |
| Necessaries ²⁴ | | | 15 | 11 | |
| Wages. Shipwrightes at vjd day
Calkers & Marriners | | 4 | 16 | 6 | |
| Vittel of Artificers and Marriners | | 11 | 1 | 4 | |
| Expences necessarie (Freight,
boat hire, &c.) | | 12 | 3 | 9 | |
| | | | 1 | 11 | 2 |
| | | £172 19 10½ | | | |

During the second period for which accounts are available, namely from May 1495 to December 1497, the receipts were £2,061 3s. 11d. and the expenditure £2,061 18s. 7d. The latter sum is thus accounted for :

| | | £ | s. | d. |
|--|--|-------------|----|----|
| Cost of construction of dock, dock head, and gates | | 193 | 0 | 6½ |
| The <i>Sovereign</i> . (Wages, victualling, docking and undocking, refitting, equipment, stores, repair of boats, &c.) | | 595 | 6 | 5 |
| The <i>Regent</i> . (Wages, victualling, equipment, stores, refit, &c.) | | 1,042 | 11 | 5½ |
| The <i>Sweepstake</i> . ('Edyfyng and New making prouision of Stuff takle and apparell with other Soundrie Necessaries') | | 120 | 3 | 2 |
| The <i>Mary Fortune</i> . (Similar expenses) | | 110 | 17 | 0 |
| | | £2,061 18 7 | | |

¹⁸ Kedging.

¹⁹ Boats.

²⁰ A kind of cloth. The top arming was perhaps of the Tudor colours, green and white.

²¹ Four dozen.

²² Planks (for the boat).

²³ 'CCC iiij peny nailles ix^d; CC iiij peny nailles viij^d; CC vj peny nailles xij^d & C x peny nailles x^d.'

²⁴ 1 quart of oil 6d; 450 billets of wood 3^s.; ½ cwt. tallow 6^s.; 4 fleeces for making mops for laying on pitch 8d; 3 lbs. yarn for the same purpose 3d; 'thamending of the ketell x^d.'

Portsmouth dock, against which an expenditure of £193 0s. 6½*d.* appears in the naval accounts for 1495–6, is the first dry dock of whose construction there is any record in England. Fifty years previous to this date a dock was merely some convenient spot on the bank of an estuary or tidal river, to which a ship was brought at high tide, and then dragged as far up on the mud as possible by means of a capstan or some such device. At low tide a wall of brushwood and puddled clay would be built around her, and the water which remained or found its way inside emptied out by means of buckets, or possibly a pump might have been employed, as was done at the Portsmouth dock. The steps by which, in the course of half a century, the dock developed from the primitive arrangement described above into the comparatively modern structure which was built during Brygandyne's administration, are not known. It was a case probably of natural development, and would seem to have taken place within this country, since there is no record of the invention or introduction of docks into the country, neither, as far as is known, were foreign engineers or artificers employed about the construction of the dock at Portsmouth.

The dock itself was lined with wood, 4,824 ft. of planks being used up on this work and on the gates. The planks were nailed to baulks of timber, of which 'Clvij lode', at 'xl fote to the lode'²⁵ were 'receyved owte of the Kynges wood called Hurst'.²⁶ The work of constructing the body of the dock occupied twenty-four weeks from 14 June 1495, and the labour sheet shows that there were employed some five each of carpenters and carters, twenty to twenty-five labourers, and a couple of sawyers, the number varying from week to week; while, with the exception of some of the labourers, none of the men employed seem to have worked for more than three or four days in any one week. Wages, victualling, travelling expenses of workmen brought from a distance, and carriage of timber for the twenty-four weeks amounted to £124 2s. 3½*d.* A master carpenter received 6*d.* *per diem*, carpenters 4*d.*, sawyers 4*d.*, labourers 3*d.* or 2*d.* *per diem*, and some 1s. a week. Carters were paid 2*d.* a day and 2*d.* for each horse, of which they provided two apiece.

The precise arrangement of the dock gates is obscure. There were two gates, an inner and an 'vtturmost'; and in place of a caisson, the space between them was filled with clay and rubble, which had to be dug out in order to permit the passage of a ship. Mr. Oppenheim²⁷ says: 'The form of the structure was probably

²⁵ Augmentation Office Book, no. 316 (*Accounts and Inventories of Henry VII*).

²⁶ The method of measuring timber is to multiply the length by the quarter girth (at the middle point of the tree) and subtract a sixth for bark in the case of oak and elm.

²⁷ *Accounts and Inventories of Henry VII*, p. xxxviii.

. But the extent of the space between the gates, and the interval between the leaves and the opposite walls of the dock, as shown in the above diagram, are matters of pure guess-work.'

The dock head was found, probably after trial, to be too weak ; for on 8 July 1497, strengthening was begun, and occupied eleven weeks. 468 tons of 'grete Rookes and Stones' and 196 tons of gravel were used on the work, with 'xij oken planks of xvij fote long xij ynch brode & iiij ynch thyke which with grete spikys of yron befastyned at the seid dooke hede for fortyfyng of the same.' The cost of strengthening the dock head amounted to £12 9s. 10d.

It is extremely difficult to form an accurate notion of the appearance of the warships of the time from such contemporary representations and descriptions as have descended to us. The character of the vessels of Henry VIII is, however, sufficiently well known ; and it is by a comparison of the inventories of fitting and equipment of the two periods that an estimate can be formed of the probable appearance of at least the later ships of Henry VII. With the fifteenth century the middle ages are held to have drawn to a close ; and just as the conditions of national life were altering and approaching more nearly to modern conditions, so too the reign of the first of the Tudor sovereigns witnessed the passing of the medieval, and the evolution of the modern navy.

To form an estimate of the appearance of the ships of Henry VII is not rendered easier by the indiscriminate application of class names to the various types of vessels in contemporary documents. Though it is not until the middle of the sixteenth century that the confusion caused by the use of the words galley, galleass, and galleon, becomes almost hopeless to unravel ; yet even before the close of the preceding century the employment of the name 'galley' opens up possibilities of error and misconception. The navy of Henry VII contained none of that class of fighting ship in which it differed from those of the majority of his predecessors and his immediate successors. The galley proper was, in brief, a long vessel, narrow in the beam, and of low free-board. Its primary mode of propulsion was by means of oars ; although furnished with one, or at most two, masts, each carrying a single lateen sail, the use of sails as a motive power was entirely secondary. The armament was weak, and rarely consisted of more than five guns, which were all mounted in the bows of the vessel. The home of the galley was the Mediterranean ; and though frequently included in the early English fleets, the type was unsuited to employment in the seas surrounding this country. The *Sweepstake* and the *Mary Fortune* were often described as galleys, with which, however, they had nothing in common. It is

true that they were furnished with oars, sixty in the case of the former and eighty in that of the latter, but with them oars were but a secondary method of propulsion. Each ship had a fore, main, and mizzen or bonaventure mast.²⁸ The mainmast was provided with a topmast. They were, in fact, small *ships* as opposed to *galleys*. The *Sovereign* was four-masted, had a fore as well as a main topmast, and a spritsail on the bowsprit. The *Regent* had also four masts, the fore and mainmasts being fitted with topmasts; but she had in addition a 'maste to the toppe upon the mayne toppe maste'. In the succeeding reign this would have been called, as to-day, a topgallantmast. It carried a sail. Topmast and topgallantmast were separate spars, but it does not appear from the inventories that any gear was fitted for striking them. The absence of the power of relieving the ship in heavy weather by striking her upper masts, the poor construction of the hulls owing to an elementary state of technical knowledge, and the impossibility of performing any but the simplest repairs while at sea, were inherent defects not only in the medieval navy, but also a century later, and detracted seriously from the sea endurance and sea-going qualities of the ships. There has never been a time, save perhaps during the last hundred years of sail, when the ships of the royal navy have been able to keep the sea for weeks together after the manner of a deep-sea merchantman. The old *Mary of the Tower* and the *Gracedieu* were also four-masted, but were fitted with one topmast only, and carried no topgallantmast. The *Martin Garsia* and the *Governor* were fitted each with three masts and one topmast.

The canvas of which sails were made was manufactured at home. At this time the fore-and-aft sail had not yet been introduced: even small boats, if fitted with a sail, carried a square sail. The sails on the fore and mainmasts of ships were square, those of the mizzen and bonaventure masts triangular or lateen shape. The theory of the action of wind upon a sail was so little understood that all sails were shaped in such a manner as to 'belly' instead of setting flat. In addition, the lower courses were fitted with bonnets, which, laced on to the foot of the sails, increased the belly. Ships were very leewardly; and they could certainly not sail closer to the wind than seven points. They strained badly in a seaway, owing to imperfect tying and strutting. The effect of the guns, too, light though they were, on the badly put together timbers, was to strain the ships. With a view to obviating this the sides were made to tumble home, that is to say, the beam of the ship was less at the height of the upper

²⁸ In four-masted ships the third mast was the mizzen or main mizzen and the fourth the bonaventure mast.

deck than at the water-line. The huge superstructures which were built at each end of the ship, so that less than a third of her upper deck was free from encumbrance, rendered her very bad to handle under weigh, and, one would imagine, top heavy. Ships were probably much under-canvased. The precise nature of the superstructures of a large ship is not known. She would have a poop, poop royal, forecastle, and summercastle. This last is said to have been a solidly constructed erection of timber—indeed it must of necessity have been strongly built: on the deck above the *Sovereign's* summercastle, for example, twenty-five serpentine mounds were mounted. But it is impossible at this date to specify the position of the summercastle in the ship's structure.

Seams were rendered watertight by caulking with flax, hair, and oakum, worked up with pitch and tar. Ships were pitched above water; they were unsheathed, and were rosined and tallowed below the water-line: twelve hundred pounds of tallow were required for the *Regent's* bottom. In addition to straining, the absence of sheathing was another cause which contributed to render the life of a ship short in comparison to the vessels of a couple of centuries later. Ropes and cables were tarred to preserve them. Cables were usually obtained from Genoa and Normandy, likewise hawsers, though both were also made in England—the smaller sizes at least. A large warship carried as many as forty each of cables and hawsers, the largest of the former being 13 inch. Both were sold by weight. Iron nails were still used in ship construction, trenails having not yet been introduced. Pumps were fitted: large ships had two, the *Sweepstake* and *Mary Fortune* one apiece. The hoses attached were made of leather. Large yards, instead of being all in one piece, were made of two spars lashed or fished together. Blocks were fitted with sheaves of brass or iron, which are always carefully enumerated in inventories. Snatch blocks were in use, and, though not specifically mentioned, double blocks were employed. Large ships carried three boats, namely a great boat, cock-boat, and jolywatt.²⁹ They were either towed astern or, if hoisted inboard, were stowed in the waist or some other convenient place. The operation of hoisting in a boat was performed by means of tackles rigged to the yards and masts: davits, though used for catting the anchors, were not in use for hoisting boats.³⁰ Large ships were provided with an enormous number of anchors—more than a dozen, in addition to boats' anchors.

Considerable attention was paid to the external decoration of

²⁹ Jollyboat.

³⁰ In the inventory of stores and fittings of the *Regent's* 'Grete Devettes of tymbre for the Grete bote' one in number is named, but it was employed to hoist the boat inboard, and was something entirely different from the davits from which boats are slung to-day.

warships. The carving about the head and stern, which was such a feature of warships a hundred and fifty years later, does not seem to have been applied to the vessels of Henry VII. Considerable sums were, however, expended on painting them. The painting of the *Regent* occupied five men for nine weeks; and the cost, inclusive of paints and colours, and the wages and victualling and board of the men employed, amounted to £15 6s. 10½*d.*³¹ This, equivalent to some £150 of our money, would be no inconsiderable sum to spend on the painting of a ship whose tonnage certainly did not exceed 600 tons, if indeed it touched that figure. In the middle ages the shields of the knights and soldiers were hung over the bulwarks until required in action. A survival of this custom is found in the pavesses which were fixed along the sides of the waist and poop, and possibly the forecastle, of the ships of Henry VII. These were made usually of poplar wood, and were painted with coats of arms and heraldic devices. The *Sovereign* was provided with 'iij Flowerdelyeez gylte', while a 'Crowne of Coper & gylte' occurs among the fittings of several ships. Further decoration was given by 'stremmers', 'baners', 'gyttornes',³² and 'pendantes of say with Rede Crosses & Roses'. In conjunction with the above, top armours of say are usually enumerated, but these were in the nature of a protective rather than a decorative element; they were fixed along the waist above the pavesses.

In no respect was the navy of Henry VII more medieval in character than in the armament of the ships. Though guns had been mounted in ships for more than a hundred years, they were even now far from being the deciding factor in a naval engagement. It was seldom, if ever, that a ship was sunk by gunfire alone; for even the serpentine, the heaviest naval piece, could make but little impression on the timbers of a ship, so weak was the powder manufactured at that period, while the time required to reload a heavy gun after firing, precluded its being discharged more often than twice in the course of an hour. Guns were mainly man-killers, for use against the personnel and the rigging of an enemy ship, whose decks would be swept with one or two volleys from small pieces; after which the serious business of boarding would be resorted to. Bows and arrows still played their part in an engagement at sea. The entire theory of gunnery at that time was opposed to the teaching of modern experience. Pieces of half a dozen different calibres were mounted on one and the same deck. The inevitable result was confusion and waste of time in action through searching for the proper kind of shot among the miscellany. Yet even so recently as the end of the

³¹ *Accounts and Inventories of Henry VII.*

³² Guidons.

nineteenth century the same state of affairs existed, namely, capital ships being armed with two and even three different natures of heavy guns for use as primary armament.

At the period under consideration the gun deck was the upper deck, below which no guns were mounted. The principal naval gun was the serpentine, made of brass or iron. Other guns were murderers, stone guns, and hand guns. The serpentine, the largest ships' gun, weighed probably not more than 300 lb., inclusive of its chamber. It was a breech-loader, the charge being inserted into the chamber, of which several were provided for each gun, for they had a highly disconcerting habit of blowing out when the gun was fired. Its extreme range was perhaps 1,300 yards, its effective range a great deal less. With the exception of guns of the smallest calibres it was impossible either to train or to elevate the pieces, which lay on deck in 'stokkes'—wooden cradles—and fired over the bulwarks or through gun-ports. The invention of what lay writers on naval subjects term 'port-holes' is said to date from the year 1500, though opinion is unanimous that they were in use many years earlier. The guns of the *Sovereign*, which may be taken as representative of a large ship of the period, were mounted in the following positions :

| | | |
|-------------------------------|-----------|--|
| Forecastle ³³ | | 16 iron serpentes |
| Forecastle deck ³⁴ | | 24 do. |
| Waist | | 20 stone guns |
| Summercastle. | | 20 iron serpentes, 1 brass do., 11
stone guns ³⁵ |
| Stern | | 4 iron serpentes |
| 'Dekke over the Somercastell' | | 25 do. |
| Poop | | 20 do. |

A number of guns, particularly those of small calibre, were mounted in the forward and after superstructures in such a manner as to command the waist, so that in the event of the ship being boarded, the deck would be swept with fire and rendered untenable.

Gunpowder was made at home, the saltpetre being imported from Genoa, where many naval stores were manufactured. Powder cost 6d. per lb. Half a dozen barrels, containing in all some 1,200 to 1,500 lb. was sufficient allowance for a ship such as the *Sovereign*. When the slow rate of fire is taken into consideration, and the small powder charge—about 5 oz. for a serpentine—the allowance of 10 lb. per gun appears ample. Shot were of three descriptions—of iron, lead, or stone—and they were both spherical and cubical. Lead shot were often cast on board, stone moulds being supplied for the purpose. The serpen-

³³ 'In the forecastell above the Dekke.'

³⁴ 'In the forecastell alowe' (below).

³⁵ That is, guns firing a stone shot.

tine threw a ball weighing about the same as the powder charge.

In addition to guns, the armament of a ship of the period consisted of bows and arrows, spears, bills, Spanish darts, arquebuses, and fireworks of various descriptions. Neither had the use of quicklime, for blinding the opponents, been abandoned. The armament stores of the *Gracedieu* included 21 guns, 140 bows, 810 sheafs of arrows,³⁶ 80 bow strings, 24 spears, 140 billhooks, 37 Spanish darts, 14 lead hammers, 21 axes, 12 cross-bows; and apparatus for fireworks.

The guns mounted in various ships of Henry VII were as follows :

| <i>Ship</i> | <i>Guns</i> |
|------------------------------------|-------------|
| <i>Gracedieu</i> | 21 |
| <i>Mary of the Tower</i> | 48 |
| <i>Martin Garsia</i> | 30 |
| <i>Governor</i> | 70 |
| <i>Sovereign</i> | 141 |
| <i>Regent</i> | 225 |

Powder and shot were among the stores supplied for the *Sweepstake* and the *Mary Fortune*, but there is no mention of guns in the inventories.

There was no system of regular service in the navy of Henry VII. Except when fitted out for an expedition, the ships were manned merely by a few shipkeepers. In this state they invariably remained during the winter; for it was not at that date considered practicable to keep ships at sea during the winter months, namely from the middle of November to the middle of February. On the fitting out of a fleet a system of impressment was resorted to in order to provide crews for the ships. Periodical musters were made of the number of seamen available in the various maritime districts, and agents were sent out to enlist men for the king's service. It does not seem that Henry experienced much difficulty in obtaining what men he required, partly because no large fleet was at sea which made serious demands on the seafaring population, and partly because of the high pay and comparatively attractive conditions of service prevailing in his time. Naval pay has steadily decreased in comparative value since pre-Conquest days. Under Henry there was no fixed rate, though it seems usually to have been 1s. 3d. a week at sea and 1s. in harbour. Boys, known as pages, were paid 6d. to 9d. The men were divided into sailors, gunners, and soldiers; and since the fighting was the province of the soldiers, these naturally predominated, being in the proportion of 5 : 3

³⁶ The sheaf contained 24 arrows.

or 2 : 1. For the conveyance of the *Sovereign* from the Thames to Portsmouth in 1496 a crew of 19 officers, 146 men, and 2 boys sufficed. Under Henry VIII her complement was 400 soldiers, 260 sailors, and 40 gunners. The active service complement of the *Caravel of Ewe* was 170 mariners and soldiers, and of the *Regent* in 1512, 700 men.

How little naval in character was warfare at sea during this era is evidenced by the fact that the captain of a ship was invariably a soldier ; and he treated his ship, not unnaturally, as a floating fortress, or perhaps it would be more correct to say as a means of bringing a body of men into contact with the enemy. For all matters connected with the navigation and working of the ship he relied on the master, who was the senior executive officer. The remainder of the officers were more like warrant than commissioned officers, and their rates of pay are sufficient evidence both of their relative rank and of their slight superior importance over the men. One officer whose duties are not clear was the Keeper of the Port : he corresponded, perhaps, to the modern Corporal of the Gangway or to the Master-at-Arms.

A table of wages of officers is appended :

| | <i>Weekly rate</i> |
|-----------------------------|------------------------------------|
| Master | 3s. 4d. |
| Boatswain, Purser | 1s. 8d. to 2s. |
| Gunner | 1s. 3d. to 1s. 10½d. ³⁷ |
| Quartermaster | 1s. 4d. to 1s. 6d. |
| Steward, Cook | 1s. 3d. to 1s. 6d. |

The pay of the officers and men who conveyed the *Sovereign* from the Thames to Portsmouth during March and April 1496 is given for comparison. The voyage occupied 32 days.

| | £ s. d. | | £ s. d. |
|--|---------|------------------------------------|---------|
| Master | 2 10 0 | Steward | 8 0 |
| Purser | 14 8 | Cook | 10 0 |
| Pilot | 2 13 4 | Keeper of the Port | 6 8 |
| Chaplain | 8 8 | 129 mariners <i>each</i> | 5 0 |
| Master's Mate | 10 0 | 2 do. <i>each</i> | 4 0 |
| Quartermaster ³⁸ | 10 0 | One do. | 4 4 |
| Quartermaster's mate ³⁸ | 6 8 | 3 do. <i>each</i> | 3 8 |
| Boatswain and his mate | 16 8 | 11 do. <i>each</i> | 3 6 |
| Cockswain | 6 0 | Page ³⁹ | 2 6 |

From the same source⁴⁰ comes the cost of the 'Vitayle & Fewell' consumed during the voyage.

For Brede lxvj doz—lxvj^s; M^l weight of Bysket at iij^s the hundred—xxx^s; Byere xl pipes at vj^s viij^d the pipe—xiiij^{li} vj^s viij^d; Fyssh cc

³⁷ 7s. 6d. per month.

³⁸ Four in number.

³⁹ Two in number.

⁴⁰ Augmentation Office Book, no. 316 (*Naval Accounts and Inventories of Henry VII*).

haberdynne ⁴¹ at xxxiiij^s iiij^d the hundred—lxvj^s viij^d; An other di c price xviiij^s ij^d; vj banelles white herynges at vj^s viij^d the barell—xl^s; Flesh vij oxen price cvj^s viij^d; xj busselles salte for pouderyng of the same at vj^d the bussell—iiij^s viij^d; ⁴² A pipe of salte bieff redie dressed xl^s; Pesyn x busselles vj^s viij^d; Green pesyn at viij^d the bussell with cariage of the same v^d from London to Eryth—viij^s jd; Fewell M^lM^lM^l billetes at v^s the M—xv^s; viij doz candell viij^s in all amountyng to xxxiiij^lviiij^sx^d.

Practically every description of victuals provided in the navy of that date is here enumerated. The cost of victualling per head per week rose from 1s. at the beginning of the reign to 1s. 2d. towards the end. The contract for victualling a fleet was usually given by the king to some person whom he wished to reward in a manner which cost him nothing. That no complaints have survived of the quality of the provisions supplied is probably due to the inarticulateness of the seaman of the period and the comparative paucity of records.

Little is known of the conditions obtaining on board ship. The captain and the master were the only officers provided with cabins; and they appear to have messed apart, though in the later Tudor period the master messed in the captain's cabin. The men slept on the deck: hammocks had not yet been introduced. They wore no regular uniform, though the crown usually provided them with coats, which were probably of the Tudor colours.

C. S. GOLDINGHAM.

⁴¹ Salt fish.

⁴² The arithmetic is somewhat faulty.

Notes and Documents

Centuriation in Middlesex

PROFESSOR HAVERFIELD'S assertion that there is, 'so far, no trustworthy evidence for centuriation in Britain', for lack of 'traces of roads laid out accurately straight, running in direct lines or at right angles'¹ is too sweeping. Evidence of centuriation more or less distinct is to be found in most Romanized districts of outlying Britain, but I propose to confine my remarks to briefly indicating how traces of the survey were first discovered in the Middlesex district, together with the historical information obtained therefrom—a research which extended over a period of ten years.

The Romans are known to have been great agriculturists, and it can hardly be supposed that they continued the primitive methods of native cultivation, and did not extend the area brought under the plough. Had they not done so, Britain could not have become one of the fertile portions of their empire from whence grain was exported to the Continent. In the middle ages Middlesex was known for the excellent quality of the corn it produced, and *prima facie* in an earlier age the Romans were equally aware of the fertility of the soil in the valley of the Thames, which also contained their commercial town and port of Londinium.

Evidence that this area had been settled by a Romano-British agricultural population was obtained in this way. For some time past it had been noticed that many fragments of its ancient rural ways ran in parallel lines, and were crossed at right angles by similar ones, which in the several districts of the county were distinguished by a different orientation. Thus in the north-eastern division the direction of the cardinal ways was from north to south: in the southern portion between the Brent and the Lea rivers, and into Essex, they pointed south-south-east. Over the south-western area and beyond the Colne into Buckinghamshire the course was south by west, and in the north-western district they were again south-south-east. Passing into that part of the Middlesaxon province lying south of the upper Colne and Lea, but now in Hertfordshire, the two orientations were

¹ *Ante*, p. 292.

respectively south-east by south, and south by east. A further feature was that many crossways occurred at equal intervals, and along one road five in succession were found at distances of 120 Roman poles or 388 yards, two being roads, two foot paths, and the other an ancient field boundary, presumed to have been formerly a plough balk or a footway.

It was manifest that this laying out of land amounting to 181,000 acres could not have been the result of chance, but must have been carried out at a time when the soil was mostly in its primitive condition, by a conquering race who had seized it, and who were accompanied by skilled land measurers. All this pointed unmistakably to the Romans and their corps of *agrimensores*, trained in applied geometry and using scientific instruments. The writings of the *Gromatici Veteres* were next consulted for information as to the manner in which Roman lands were surveyed and laid out, and it is worthy of note that one of the most eminent of these writers was Sextus Frontinus, Propraetor over Britain from A. D. 74. Among the more enduring bench or land marks used by Roman surveyors were mounds of earth (up to the size of a small haystack), stones, and trenches, and in these three respects important discoveries have been made in the county. A mound (*botontinus*) is to be seen both in Cranford and in Syon parks, also at Hampstead, Stanmore, Hadley—where there are two—and just out of the county at Salthill, Slough. Two others have not long ago been levelled, one by Bushy Park and the other at Hillingdon, while local names apparently preserve the sites of half a dozen more. Four stones are still *in situ*; two marked on old maps no longer exist, and the former positions of several others can be located. Two trenches are still to be seen.

A map showed that these boundary marks and the remnants of the oriented ways were naturally co-related, that each district had been of nearly equal area, rectangular in form, and contained by a boundary line, the course of which was disclosed by the *botontini* and stones. It was also seen that these districts or *pagi* were in general identical in area with those of the later hundreds of the Saxon period, as set forth in Domesday. From the orientation of the *pagi*, the *territorium* of the Londinium canton appeared to extend from the foot of the Chiltern hills across Middlesex and into Essex; the *pagi* had been laid out by lines (*quintarii*) crossing one another at right angles, and so forming *possessae*, each of which according to the text-book, and in fact, contained 1,300 *jugera* equal to 810 statute acres. These in turn could be divided into 25 *laterculi* or small *centuriae* of 50 *jugera* lying in rows of five, plus an area equal to a *centuria* distributable over a *possessa* for lanes and paths. This provision, equal to one-

twenty-fifth of a surveyed area, was later on found to have an important bearing when comparing the total acreage of the Roman and Domesday surveys of the county, for the latter did not include road surface. A side of this square *centuria* measured 120 Roman poles or 388 yards, and five of them lining the face of a *possessa* accounted for those five successive equal intervals formed by crossways which were noticed upon a Middlesex road between Greenford and Ealing as above mentioned.

It is difficult to see how the large *centuria* of 200 *jugera* referred to by Mr. Haverfield could have been utilized, if the surveyors used the *possessa* as a measure of land, or the *saltus* with 1,250 *jugera*, its net or productive area less the road surface. I hope he will follow up his suggestion as to a possible trace of centuriation south of the Braintree—Dunmow section of the Roman road from Colchester to Bishops Stortford, though military roads or streets appear to have been laid down independent of the agrarian and centuriated ways through which they passed. In Middlesex, Ermine, Watling, and Tamesis streets bore no relation to these rural ways.

Two curious discoveries came to light after the quintarial cross-lines had been drawn, making each *pagus* appear like a gigantic chequer-board. The first was, that 47 out of 56 mother churches of parishes in Middlesex were situated upon one or other of these lines, the apparent explanation being that Romano-British chapels (*compita*) adjoined the principal rural ways, which were designed to follow the quintarial lines. In the next age these little edifices were adopted by missionaries for Christian worship, following the astute and well-known direction of Pope Gregory to utilize the pagan *sacra* where the people had been accustomed to assemble. If so, then such sites have been associated with public worship, first pagan, then Christian, for nearly 2,000 years.

The other discovery had an important bearing on the correct reading of the Domesday Survey of Middlesex, for it became evident that the *centuria* of 50 *jugera*, with its known area of 31.158 acres, was identical with the virgate of the Saxon period, the size of which has caused much controversy. The proof of this lies in the fact that if the Middlesex Domesday measures are worked out on this basis the total acreage for the county, which has not been changed in area since the ninth century, agrees, when the road surface is included, with that of the modern Ordnance Survey. All this bears testimony to the accuracy of the Imperial Survey, and to the diligence of the Domesday Commissioners.

Such evidence shows a more intimate connexion between Roman Britain and Saxon England, especially in matters relating

to rural economy and in the common law bearing upon it, than has hitherto been supposed. Further points can be adduced, of which the headings of only three can here be given: (1) The Roman settlers' *heredium* of two *jugera* (a Saxon aker) in non-contiguous plots, and upwards to a *centuria*, all having *compascua*: followed in Saxon and later times by scattered holdings in the village farm in acre and half-acre strips, and amounting to virgates and half-virgates, while all possessed appendant common pasturage. The average amount of land held by a bordar in Domesday Middlesex was five akers, and similarly that by a cottager two akers; of the larger holdings 438 villanes held each a virgate, and 426 each half a virgate lying in half-acre strips in the common farms of the villages. (2) The *tributarius* and *colonus* in Britain under decurions with the *nativus* appear to survive in the *geneat*, *gebur*, and *cosetla* in their tithings during the Saxon period. (3) The Domesday geldage for Middlesex, with its decimal foundation upon the constant geld unit of five on the vills, curiously amounts to the same total as from the number of *possessae* when multiplied by that unit.

MONTAGU SHARPE.

Leo Tuscus

OUR knowledge of the literary relations between East and West under Manuel Komnenos is so fragmentary that new information, however scanty, is welcome. Among the members of the large Pisan colony at Constantinople in this reign two brothers, Master Hugo Eterianus and Master Leo, usually distinguished as Leo Tuscus, have long been known to bibliographers.¹ Hugo, from his first dated appearance in 1166² to his death in 1182, seems to have been actively engaged in theological controversy, and his vigorous advocacy of Latin doctrine against the Greeks³ won him com-

¹ Gradenigo, *Lettera intorno agli Italiani che seppero di greco*, ed. Calogierà, pp. 50-5; [Fabroni], *Memorie di più uomini illustri Pisani* (Pisa, 1790), ii. 59-68, iv. 151-3; Fabricius-Harles, *Bibliotheca Graeca*, viii. 563, xi. 483; Fabricius, *Bibliotheca Mediae Latinitatis*, iii. 292 (ed. 1754); G. Müller, *Documenti sulle Relazioni delle Città Toscane coll' Oriente*, p. 384 f.

² See his letter to the consuls of Pisa in Müller, *Documenti*, no. 10, dated 1166 by the editor, although the text of the epitaph there cited clearly gives 1176. That Hugo was at Constantinople by 1166 is otherwise known: see below, p. 494, the preface of Leo here printed, and Hugo's reference to his relations with the cardinals who came from Rome in that year (Migne, *Patrologia Latina*, ccii. 233). In the letter to the Pisans Hugo says that his theological opinions had already made him unpopular, and the disputes with Nicholas of Methone doubtless fall before this year.

³ His two chief treatises are *Liber de anima corpore iam exuta* or *De regressu animarum ab inferis, ad clerum Pisanum*, written before 1173 (since it mentions Albert as consul), in Migne, ccii. 167-226 (there is a copy written about 1200 in the Archives of the Crown of Aragon at Barcelona, MS. Ripoll 204, ff. 106-92); and *De heresibus Grecorum*, also known as *De processione spiritus sancti* and *De sancto et*

mendation from Alexander III, and, just before his death, a cardinal's hat from Lucius III.⁴ Though he does not appear with any official title, he was in relations with the emperor, and on one occasion accompanied him into Cappadocia and the Turkish territory.⁵ Leo, already *invicti principis egregius interpres* in 1166,⁶ is still *imperialium epistolarum interpres* in 1182,⁷ and can in the meantime be traced in Manuel's service during the Asiatic campaigns, as we learn in general terms from Hugo's *De heresibus*⁸ and more definitely from the preface printed below.

Besides assisting Hugo in his literary labours,⁹ Leo executed two translations from the Greek. One, a version of the mass of St. Chrysostom,¹⁰ was made at the request of the noble Rainaldus de Monte Catano, to whom it is dedicated, subject to the criticism of

frater et preceptor meus Vgo Eterianus sua gravitate gravior, nam is Grecorum loquela perplexa internodia olorum evincentia melos verborumque murmura, que pene Maronis pectus fatigarent ac Ciceronis, intrepida excussione¹¹ inspectis narrationum radicibus mirifice discriminat.

immortali Deo, finished in 1177, Migne, ccii. 227-396 (manuscripts are common, e. g. Vatican, Codd. Lat. 820, 821, Urb. Lat. 106; Laurentian, xxiii. dext. 3, Bandini, *Catalogi*, iv. 631; Assisi, MS. 90, f. 53, in Mazzatinti, *Inventari*, iv. 38; Subiaco, MS. 265, Mazzatinti, i. 210; Paris, Bibliothèque Nationale, MS. Lat. 2948; Troyes, MS. 844; Cambridge, Corpus Christi College MS. 207). Other evidence of his activity is found in the lost treatise *De filii hominis minoritate ad patrem Deum*, mentioned below by Leo; in the Greek text of an unpublished dispute with Nicholas of Methone in the Biblioteca Civica at Brescia (Martini, *Catalogo di Mss. Greci nelle Biblioteche Italiane*, i. 251; cf. *Byzantinische Zeitschrift*, vi. 412); in a reply to him edited by Arsenii (see *Byzantinische Zeitschrift*, iv. 370, note); and in a series of extracts from his works containing accusations of all kinds against the Greeks, in *Maxima Bibliotheca Patrum* (Lyons, 1677), xxvii. 608 ff.

⁴ Migne, ccii. 227, Müller, no. 21 (Jaffé-Löwenfeld, nos. 12957, 14712).

⁵ 'Quod propriis oculis imperatorem sequendo per Cappadociam Persarumque regiones intuitus sum,' *Maxima Bibliotheca Patrum*, xxvii. 609.

⁶ Müller, no. 10. On the date see note 2. Cf. Migne, ccii. 167 'imperialis aule interpretis egregii.'

⁷ Müller, no. 21.

⁸ Migne, ccii. 274.

⁹ 'Qui est ingenii mei acumen huiusque suscepti laboris incentivum', says Hugh: Migne, ccii. 274.

¹⁰ It is printed, with the preface, in Claudius de Sanctes, *Liturgiae sive Missae Sanctorum Patrum* (Antwerp, 1562), f. 49; cf. Swainson, *The Greek Liturgies*, pp. 100, 144. There is a copy in the Bibliothèque Nationale, MS. Lat. 1002, f. 1: 'Magistri Leonis Tusci prologus ad factam Grecorum missam ab eo verbis Latiniſ divulgatam ad quendam Raynaldum. Cum venisses Constantinopolim.' . . . Engdahl, *Beiträge zur Kenntnis der Byzantinischen Liturgie*, in Bonwetsch and Seeberg's *Neue Studien*, v. 35, 84 (1908), has used only an incomplete Karlsruhe MS. of the translation which does not contain the preface. Leo's translation is mentioned by Nicholas of Otranto in the preface to his translation of the mass of St. Basil: Engdahl, p. 43; MS. Lat. 1002, f. 22 v.

¹¹ So Allatius, who cites this passage, *De ecclesiae consensione*, p. 654. MS. Lat. 1002 has *excursione*, the printed text *excursione*.

The other of Leo's translations is a version of the *Oneirocriticon* of Ahmed ben Sirin, important both for the vernacular renderings which were based upon it in the sixteenth century and for the establishment of the Greek text, of which it represents a tradition older than the extant manuscripts.¹² The preface, which is addressed to Hugo, and exhibits, like the preface to the version of the mass, marked resemblance of style to his writings, sheds further light on Hugo's activity, since it shows him engaged in the controversy over the subordination of the Son to the Father which was started by Demetrios of Lampe, and, if we are to believe Leo, exerting an influence upon the emperor's decision. The mention of Manuel's campaign against the Turks in Bithynia and Lycaonia offers a means of dating the work.¹³ The campaign of 1146 being obviously too early, opinion seems to have decided for that of 1160-1; at least all scholars who mention the version, from Rigault and Casiri to Steinschneider, Krumbacher, and Drexl, though without discussing the question, give 1160 as the date. This seems to me untenable, partly because the expedition of this year can scarcely be said to have reached Lycaonia, but chiefly because the Demetrian controversy began only in 1160, and the imperial decree which put an end to it (*augustalis clementie decretum*) is of the year 1166.¹⁴ All of this is already well in the past (*ex eo igitur tempore*), and the emperor engaged in no further Turkish campaigns except the unsuccessful enterprise of 1176. Now we know from Hugo's *De heresibus*, completed in 1177,¹⁵ that its composition was interrupted by Leo's absence in Asia Minor with the emperor,¹⁶ and it is accordingly to 1176 that the translation of Ahmed should be assigned. The following text of the preface is from the Digby MS. 103 in the Bodleian Library¹⁷:

*Ad Hugonem Eterialium doctorem suum et utraque origine fratrem Leo
Tuscus imperatoriarum epistolarum interpres de sompniis et oraculis.*

Quamquam, optime preceptor, invictum imperatorem Manuel per fines
seuar Bitinie Licaonieque fugantem Persas flexipedum hederarum com-

¹² See Steinschneider, *Ibn Shahin und Ibn Sirin*, in *Zeitschrift der Deutschen Morgenländischen Gesellschaft*, xvii. 227-44; and in Vienna *Sitzungsberichte*, *Phil.-hist. Kl.*, clxix. 53, cli. 2; Krumbacher, *Geschichte der Byzantinischen Litteratur* (1897), p. 630; Drexl, *Achmets Traumbuch (Einleitung und Probe eines kritischen Textes)*, Munich dissertation, 1909, who gives an account of the manuscripts preliminary to the preparation of a critical edition. None of these writers appears to have examined the preface.

¹³ On these campaigns see Chalandon, *Les Comnènes*, ii. 247-57, 456-9, 503-13.

¹⁴ Chalandon, ii. 644-51.

¹⁵ As seen from the date of Alexander III's letter acknowledging it: Migne, ccii. 227; Jaffé-Löwenfeld, no. 12957.

¹⁶ Migne, ccii. 274.

¹⁷ Ff. 59-127 v, saec. xii-xiii; a modern copy is in the Ashmolean MS. 179. There is a copy of the fourteenth century in the British Museum, Harleian MS. 4025, ff. 8-78; and one at Wolfenbüttel, MS. 2917, which I know only from Drexl and from Heinemann's catalogue. Without the preface the translation is found in Vat. MS. Lat. 4094, ff. 1-32 v.

plectentes vestigia, tamen memorandi non sum oblitus sompni a te visi qui dictum inexpugnabilem virum eneo in equo supra columpnam¹⁸ quam Traces dicunt Augustiana Bizancii sito nobiliter sedere conspicbaris, eodem autem in loco doctissimis quibusdam astantibus Latinis Romana oratione cum in quodam legeret libello interpellanti tibi soli favorem prestitisse visus est. Latuit tunc utrumque nostrum ea quid portenderet visio, at vero eiusmodi oraculum editus per te de Filii hominis minoritate ad Patrem Deum libellus tempore post revelavit sub tegumentis. Profecto eneus ille sonipes anima carens altissime sonantissimeque questionis erat que inter Grecos versabatur ventilatio, verbum scilicet Dei secundum quod incarnatum patri equale prestans rationis veritatisque radicitus expers ut quadrupes nominatus. Solvit autem illam controversiam clamitante dicto libello augustalis clemencie decretum paucos scandali fomento contra voluntatem illius relicto. Ex eo igitur tempore pectus sollicitudine percussi, sub corde ignitos versavi carbones, cogitando uti lene esset annon si onirocriti Grecorum philosophis ariolanti loqui latine persuaderem enucleatim atque inoffensam perspicuitatem figmenti sompnialis tuo favore nostrorum Tuscorum desiderio breviter reserarem. Quos quidem fluctu percipio aspergi undiosiore ut irrigentur affatim efficianturque fecundiores, nam Seres, ut fertur, arbores suas undis aspergunt quando uberiorem lanuginem que sericum admittere nituntur. Ceterum haut facile est in huiusmodi versari pelago cuius latitudo ad aures usque dehiscit non sponte remigem asciscens invalidum. Non solum enim subtilibus expositum investigationibus et illos repellunt qui debilitate pedum serpunt, ut antipodes, et eos qui non movent linguas, ut pleraque aquatiliam, set neque monoxilo se navigari limine patitur. Quam ob rem loquelam imperatoriorum interpretationibus apicum obsequentem per excubias interdum huic translationi non irrita spe addixi, totum opus sapientie tue dicaturus iudicio, mei quidem auctoris, tui vero probatoris equilibre pensans incertum. Nam tuum examen discernere non sum ambiguus quicquid arida exsanguisque poscit ratiocinatio. Set enim desiderantissimus nepos Fabricius¹⁹ Greocarum sciolus et ipse litterarum sompnialium figmentorum odoratus rosaria scribendi assiduitate me a confluentibus elevat prestatque non mediocre adiumentum, atque iccirco neque nomen sine subiecto neque sine viribus erit edicio Sidoneis Tirenisque sagittis parum penetrabilis apparitura ut arbitror. Ergo quisquis nodosorum sompniorum fatigatur involucris, si per aliquod hic scriptorum absolvi postulet, faveat pretemptare plus nosse quam sat est, ne titulos depravet Apollinee urbis ambiguum rimis herbisdisque sentibus. Ego autem tui solius utrarumque linguarum peritissimo examini volumen hoc subpono, ut in eo que arescunt ac caligant per te illustrata orbi demum succincta professione vulgentur.

Another Italian writer appears at Constantinople in this

¹⁸ The statue of Justinian called Augusteion, in the place of the same name. See Du Cange, *Constantinopolis Christiana*, bk. i, c. 24; Unger, *Quellen der Byzantinischen Kunstgeschichte* (Vienna, 1878), pp. 137 ff.

¹⁹ Fabricius was a member of the papal household in 1182, when he was sent to Constantinople by Lucius III: Müller, no. 21. Another learned friend, Caciareda, is mentioned in the *De heresibus* (Migne, ccii. 333 f.).

period in the person of a certain Pascalis Romanus, who also shared the interest in signs and wonders which prevailed at Manuel's court. His *Liber thesauri occulti*, with an introduction citing Aristotle's *De naturis animalium*, Hippocrates, and 'Cato noster', is a dream-book compiled at Constantinople in 1165.²⁰

CHARLES H. HASKINS.

Provincial Priors and Vicars of the English Dominicans

A FEW additions and corrections may be made to Father Gumbley's list published in this Review, above, pp. 243-51. Some of the notes here given were printed in my edition of the Durham *Liber Exemplorum* (*British Society of Franciscan Studies*, vol. i, 1908), p. 135, in connexion with Simon of Hinton. A. G. LITTLE.

Simon of Hinton, Henton, or Heynton, is said to have been provincial c. 1360. The authority is Bale. The Durham *Liber Exemplorum*, written between 1270 and 1279, quotes a story about a *clericus lubricus* and adds: 'Hoc autem exemplum scripserat in libro suo quidam frater noster qui de fratre Symone de Heynton materiam (?) audierat.' In the catalogue of the library of Christchurch, Canterbury, drawn up when Eastry was prior (1284-1331), occurs the entry 'Compilaciones fratris Symonis de Hentun'.¹ The only manuscript containing works by Simon of Hinton that I know of (New College 45) is dated by Coxe, 'sec. xiv ex.'. A theological miscellany in Harl. MS. 2316 quotes a story from Simon: 'Narravit frater Simon de Henton in lectione sua' (fol. 58), but this manuscript also is of the second half of the fourteenth century. It is, however, clear from the evidence that Simon of Hinton flourished in the thirteenth century, and there is little doubt that he is to be identified with the Simon who was provincial prior from 1254 to 1261. Bale has put him a century too late.

Some of the gaps after Hugh Dutton, elected provincial in 1339 or 1340, may be filled up from the public records and episcopal registers.

1346, 1347. Arnold de Strelly or Strelley as provincial prior presented friars to hear confessions: *Hereford Episcopal Registers*, Trillek, pp. 92, 104.

1350, 1351-3. Gregory of St. Michael as provincial presented friars to hear confessions: *Bath & Wells Episcopal Registers*; Rad. de Salopia (Somerset Record Society, x), p. 639; *Hereford Episcopal Registers*, Trillek, p. 19, 20.

²⁰ 'Incipit liber thesauri occulti a Pascale Romano editus Constantinopolis anno mundi .vi. dc. lxxiiii., anno Christi .m.c.lxv. Thesaurus occultus requiescit in corde sapientis . . . succincte ad thesaurum desiderabilem aperiendum properemus. Sompnium itaque est figura', &c.: Digby MS. 103, ff. 41-58 v, preceding Leo's *Oneirocriticon*. The first of the two books of the treatise is also in the British Museum, Harleian MS. 4025, f. 1.

¹ M. R. James, *The Ancient Libraries of Canterbury and Dover*, p. 71.

- 1356, 1357, 1361. John de Tatenhall, D.D., appears as provincial in these years: *Hereford Episcopal Registers*, Charlton, p. 61; *Cal. of Papal Petitions*, i. 370.
1364. Robert Pynke: *Cal. of Letter Books of the City of London*, G, p. 177; Sharpe, *Wills*, ii. 36.
- 1368, 1370. William of Bottisham or Bodekisham presented friars to Bishop Charlton in 1368 (*Reg.*, p. 47), and issued letters of fraternity at the chapter of Lincoln in the same year (Public Record Office, Anc. Deeds, A 13187): he was concerned in the arrest of an apostate friar in 1370 (Public Record Office, Chancery Warrants, file 1765, no. 4).
- 1371-2. Thomas Rushook, called Thomas Vichor in the Acts of the General Chapters, was, according to the Acts of the General Chapter held at Carcassonne in 1378, deposed by the Master-General six years ago, i. e. in 1372 (*Acta*, ii. 450-1)². He must therefore have been elected provincial before that, probably in 1370 or 1371.
- 1373, 1374. Nicholas de Monington appears as provincial in September 1373 and March 1373-4 (Public Record Office, Chancery Warrants, file 1751, nos. 5 and 6).
- 1374 (?) - 1382. Thomas Rushook or Vichor does not seem to have recognized the validity of his deposition, as he was again declared deposed by the General Chapter in 1378 (*Acta*, ii. 451), and several vicars were appointed. But in 1379 Urban VI annulled all proceedings against Thomas Rushook and declared him to have been and to be provincial of England (*Cal. of Papal Letters*, v. 14-15). He resigned in 1382 on becoming archdeacon of St. Asaph. The General Chapter which adhered to Avignon declared John Paris vicar in 1380 (*Acta*, iii. 3); cf. Public Record Office, Anc. Petitions, 6666).
- 1404 (?). John Dille appears as provincial in Public Record Office, Chancery Miscell., bundle 19, file 4, no. 11. The document contains articles of John Dille against John Cliderowe, chaplain, praying that the latter may be restrained from maintaining the prioress and sisters of Dartford against their ordinaries. It is not dated, but appears to belong to the end of the fourteenth or beginning of the fifteenth century. Perhaps John Dille should be inserted between William Pikworth and John of Lancaster.
1422. Thomas Waryn was provincial prior on 22 January 1422 (Stowe Charters, no. 605, British Museum). As John of Redesdale was provincial prior on 7 February 1422, it is probable that one of these years should be 1423. (John of Redesdale's grant to Richard of Burton is to be found in Public Record Office, Excheq. K. R., Eccles., 6/47.)
1462. John appears as provincial prior in British Museum, Add. Charters, 17136.

² 'Quia r. p. frater Elias magister ordinis ex officio suo provinciam Anglie dudum anno sexto preterito visitaverit,' &c. I have not found any allusion in the English Public Records to this visitation. It is clear from an entry in the Close Rolls, 25 May 1377, that Elias was in England at that date.

The Annals of the Abbots of Oseney

FOR his account of the abbey of Oseney near Oxford, Anthony Wood obtained some of his facts 'ex MS. anonimi Ousney de vitis abbatum eiusdem penes episcopum Oxon'.¹ As the bishopric of Oxford was endowed with lands which had belonged to Oseney, it would not be surprising if such a record were preserved among the diocesan papers; but no trace of it could be found in modern times. It now appears that Wood's authority is Twyne MS. xxi. 264, in the University Archives, and that Wood himself never saw the manuscript. It was not the property of the bishopric of Oxford, but in the private possession of John Bridges, bishop of Oxford between 1604 and 1618. Although it adds but little to what we know from Wykes and the Annals of Oseney (in the Rolls Series), it is worth printing, that scholars may not hunt for it in future. It will be observed that it was not a chronicle of Oseney but some notes about the abbots, added at the end of a history of the world from Adam to Henry VI, and that it must have been written after 1454 when Bouchier was made archbishop and before 1460 when Henry VI was deposed.

H. E. SALTER.

Ex manuscripto episcopi Oxon'² apud Staunton Harcot, in folio; videtur eius autor non unus sed plures; ultimus uero est monachi³ cuiusdam Osneyensis in Oxonia; sed tamen una est communis omnibus inscriptio Speculum Theologie Iohannis Methensis, que in tegmine reperitur et in fronte libri.

Primus autor nihil agit in re historica sed de rebus aliis ludicris, ut de arbore virtutum & de figura Cherubin &c.

Secundus autor agit de re genealogica & de quatuor summis imperiis, incipiens ab Adamo & desinens in regnum Assyriorum; cuius initium est *Considerans historie sacre prolixitatem*,⁴ &c.

Tertius⁵ incipit quoque ab Adamo & desinit in Henricum VI Anglorum regem, de quo in prefatione sua loquitur, quam sic inchoat *Cuilibet principii congruum, utile & honestum est genealogie sue seriem cognoscere* &c.

¹ Wood, *City of Oxford*, ii. 202 n.

² Twyne, in his later hand, adds 'Io. Bridges, episcopus Oxon.' He was bishop from 1604 to 1618, and lived at Marsh Baldon during the latter part of the time.

³ Oseney was a house of Austin canons, not of monks.

⁴ Cf. Balc, *Index Britanniae Scriptorum*, p. 469 and note 5.

⁵ In the margin Twyne adds 'Si iste autor non sit Remingtonus vide Londinensem p. 44'. Londinensis is John Caius, who under this name issued *De antiquitate Cantabrigiensis Academie*. On p. 59 he quotes an author who states that Cambridge was founded in 394 B. C., Oxford in A. D. 873, and that Cambridge was the older by 1267 years; but he does not state that the author was named Remington. Twyne (xxi. 237) has 'Nota ante Petrum de Ickham in bibliotheca publica Cantabrigie: Autor horum annalium fuit Radulfus Remington, clericus Eboracensis'. This manuscript is now in the library of Corpus Christi College; see the Catalogue of the Library by Dr. M. R. James (ii. 171), who reproduces the note about Remington and suggests that it may be by Dr. Caius.

Hic loquens de origine Cantabrigie sic scribit : Tempore Bladud facta est Cantabrigia a Cantabro duce ante incarnationem per annos CCCLXXXVIII & a philosophis frequentata, ut dicit Gildas in lingua Britannica.

De origine vero Oxonie sic scribit in vita Aluredi. Iste Aluredus fundavit Universitatem Oxonie anno domini DCCCLXXIII sed Cantabrigia erat fundata a Cantabro duce ante incarnationem annis CCCLXXXVIII & a philosophis inhabitata & sic Cantabrigia erat ante Universitatem Oxon' per mille nongentos uiginti & nouem ⁶ annos.

In fine chronici sui scribit vitas quorundam archiepiscoporum Cantuariensium ab Augustino usque ad Thomam Bourchier, & vitas quoque quorundam abbatum Osney, quorum hec sunt nomina :

Radulphus canonicus sancte Frideswide anno 1129 ; deinde Prior monasterii beate Marie de Osney fundate [*sic*] a Roberto de Olley secundo in insula Osney nuncupata, qui Robertus protunc fuit constabularius regis Henrici primi ; iste Radulphus prefuit predicto monasterio annis 19 ⁷ & mensibus 5, tempore Theobaldi Archiepiscopi Cantuariensis.

Wygodus 1168 ⁸

Edwardus 1184

Hugo 1205

Clemens 1221

Rich: de Gray 1229

Io: de Radinge 1235

Io: Lecche 1249 ; annis 24 ⁹ rexit & cure pastorali cessit ; per istum (inquit) edificata ¹⁰ est navis ecclesie cum capella beate virginis, ex parte occidentali chori quicquid est, testudine & campanili exceptis, refectorium sumptuosum cum tribus partibus claustrum inter refectorium & ecclesiam, aulam abbatis cum camera, infirmariam cum capella, duobus spatiis occidentalibus exceptis, maiorem portam abbatis, omnes meliores campanas cum duobus grangiis Weston & Cleidon.¹¹

Adamus de Berners 1254, predicator egregius, cuius predicationi sobebant scholares Uniuersitatis aliquoties interesse.

Rich: Apletree 1267, cuius tempore taxata sunt hospitia clericorum in Oxonia anno domini 1256. Placitum inter dominum Rogerum de Ammory & eundem abbatem pro manerio de Weston ; fratres Carmelite obtinuerunt placiam suam in Stokwelstret

Gul: Sutton 1284

Rogerus de Couentre 1296, cuius tempore Iudaei contrafecerunt sigillum commune abbatis & conuentus

Io: Bibury 1316

⁶ Twyne may have made an error in the numbers in the original.

⁷ In reality 9 years, 5 months.

⁸ The scribe in each case gives the date when the abbot died or resigned.

⁹ He ruled 14 years.

¹⁰ Twyne adds in the margin : ' Edificatio Osney ; et existimo fuisse circa tempora quibus facta est dedicatio quorundam altarium Osney ; vide librum veterem quem habui ex chartario Aedis Christi Oxonie, putridum & lacerum.' This book is unknown. Many of Twyne's papers were lost soon after his death in the great fire of October 1644. Twyne was not the only person who obtained deeds from Christ Church ; Wood certainly did, and circumstantial evidence convicts Cotton.

¹¹ Weston-on-the-Green, Oxfordshire ; Claydon, Buckinghamshire.

Io: Osney 1330

Tho: Cudelyngton 1373, qui pontem aedificauit usque ad Brokenheyns¹²

Io: Bokelonde 1403, cuius tempore adepti sumus le Newinn,¹³ molendina Castri & Kingesmed.¹⁴ Duo placita¹⁵ contra burgenses Oxon' pro Franchesiis & alterum contra natiuum monasterii; edificauit le locke iuxta Regalem Locum,¹⁶ & compositio facta est inter nos & Regalem Locum.

Gul: Wendover 1430

Tho: Hoknorton 1452. Hic nouas scholas decem ad captandam beneuolentiam Universitatis edificari¹⁷ fecit, quatuor cameras in Aula Vitrea, plures in Aula Profunda, Aulis Georgii & Woodecockhall & similiter in aula sancti Edwardi¹⁸

Io: Walton, abbas ultimus

Philip Wolf of Seligenstadt

OF the Dominican Philip Wolf, a native of Seligenstadt, who became prior of Presburg somewhere about the year 1500, nothing seems to be known except from the extracts made by John Bale in the note-book (Selden MS. supra 64, in the Bodleian library) which he compiled at various dates between 1548 and 1555, and which was first published under the title of *Index Britanniae Scriptorum* in 1902.¹ He gives the biography of Wolf as follows :

Philippus Wolfius, Hierapolita, inter Francofordiam et Sineriburgum² natus, in oppido quod Seligenstat seu Hierapolim vocant : Dominicanum

¹² This must have been a rebuilding of Hythe Bridge. The words 'usque Brokenhays' suggest that *pons* is used in its medieval sense, a bridge *with its causeway*. The abbot not only rebuilt the bridge but made a causeway to the end of Irishman's Street, now George Street. Brokenhays was subsequently known as Gloucester Green.

¹³ Subsequently known as the Cardinal's Hat; see *Balliol Deeds*, p. 74 (Oxford Historical Society). For the acquisition see *Cal. of Pat. Rolls*, 3 February 1390.

¹⁴ 20 September 1386 (*Cal. of Pat. Rolls*, p. 214).

¹⁵ One of these was about the boundary between the city and the manor of Osney. It was settled on 22 February 1377, by an award of the bishop of Lincoln, preserved both in the Cartulary of Osney and in the municipal archives of Oxford. It is not known that there was any other dispute between the abbey and the burgesses between 1373 and 1403; and it may be that the manuscript read 'Duo placita; unum contra burgenses Oxon' pro franchisesiis & alterum contra natiuum' &c. Nothing is known of the plea against a *natiuus* of the monastery.

¹⁶ Rewley Abbey in North Osney.

¹⁷ He rebuilt the schools. The rentals of Osney show that they were twelve originally, six on the ground floor and six above. After this time they were ten, five above and five below. A school was a lecture room fitted with seats and desks. There may have been about thirty schools in Oxford at this time. The ten Osney schools stood in the western half of the Bodleian Quadrangle, facing the Divinity School.

¹⁸ Glazen Hall was in School Street on the east side immediately to the north of St. Mary's church; Deep Hall is now the western end of University College; George Hall and Woodcock Hall were between Deep Hall and Grove Street. St. Edward Hall was adjoining to Canon School and to the churchyard of St. Edward's. It was not in St. Mary's parish as Wood states (*Wood, City of Oxford*, ii. 216).

¹ The notice in Quétif and Ehard's *Scriptores Ordinis Praedicatorum* (1719), p. 904b, is solely dependent on Bale's references in his printed *Catalogus*.

² Apparently for *Cineriburgum*, a fanciful formation from *Aschaffenburg*.

institutum anno domini 1485. admisit. Qui theologie bacchalaureus factus, per varias Germaniæ vrbes prædicabat. Diligens historiarum quæsitur, diuersarum terrarum bibliothecas inuisit, etiam Rome, dum ageret priorem Bozanum. Prioratum ille gessit, Frankfordiæ, Moguntiæ, Treueri, Lutzenburge, et Bozani. Scripsit ille inter cetera,

Catalogum peritorum virorum triperitum, li. iij. *Cum ab ineunte etate, vt ita dicam, et potissimum.*

Viretum Calaguritanorum,³ li. vj. *Eximio sacre theologie professori etc. Cum mecum ipse tacitus sepe med[itati].*⁴

Bale then proceeds to enumerate a series of theological works,⁵ and after them 'Chronicon Franckfordiæ, li. i', adding 'Obijt Franckfordie anno domini 1529. in die Gregorij'. Prefixed to this notice is the heading 'Omnis generis peritorum seu illustrium virorum Catalogus Philippi Wolfij Hierapolitani, ordinis Prædicatorum'.

Among the miscellanea which Bale copied out on various blank leaves of his note-book are several sets of extracts from Wolf's *Catalogus*. Two of them, which contain biographical particulars and notices of writings, I printed in my edition:⁶ these are taken from books ii and iii. Others are simple lists of names. On fo. 255*b*–260*b*, continued on fo. 264, is the onomasticon of book i: *Ex primo libro Catalogi Philippi Wolphij, de non baptizatis*. It begins:

Adam primus homo.
Aba, Rabi solemnis.
Aaron, frater Mosis.
Abaris, Hiperboreas.
Abacuc Iudæus.

On fo. 253, 254 are a series of notices which appear to be taken, though it is not so stated, from this first book. I give the opening sentences as a specimen:

Adam primus omnium parens, cui merito primus omnium illustrium seu peritorum virorum debetur locus: a summo opifice in agro Damasceno formatus, et in paradisum locatus, atque tanta gratia informatus est: vt nullo tradente magistro, omnium liberalium artium statim clarissimam habuerit agnitionem. Siquidem, quid astronomia, quid geometria, quidue aliæ artes, quas liberales vocant, in se detineant, totum sciuit.

It is unnecessary to continue the quotation, nor does it seem worth while to print the alphabet of the contents of book i. The lists for books ii and iii are more interesting, and I give them below, as they possibly furnish clues which may lead to the discovery of the lost work. The contents of book ii were almost all transcribed by Miss Mary Bateson; those of

³ Bale refers to this book in his *Scriptorum Illustrium Catalogus* ii. 136.

⁴ *Index*, p. 506, at fo. 255 of the manuscript.

⁵ This list of works is printed in full in the *Index*, l.c.

⁶ pp. 500–6.

book iii I have added, and I have collated the whole with the original. No attempt has been made to correct the numerous errors of the manuscript.

REGINALD L. POOLE.

fo. 244.] *Ex secundo libro Catalogi Philippi Wolphi, de vitis peritorum virorum, de baptisatis.*

| | |
|------------------------------------|-----------------------------|
| Ambrosius Mediolanensis. | Ambrosius Coriolanus. |
| Aboasar astrologus. | Ambrosius Sphiera. |
| Achatius Cesariensis. | Ambrosius Calepinus. |
| Accursius Florentinus. | Amphilocius episcopus. |
| Aoniar astrologus. | Anacletus Atheniensis. |
| Adamus Wernerus. | Anatholius Laodicensis. |
| Adalbertus Metensis. | Anastasius Bibliothecarius. |
| Adelmannus Brixiensis. | Andoenus Rothomagensis. |
| Adeobaldus Vltraiectensis. | Andres Summarius. |
| Ado episcopus Viennensis. | Andreas de Traiecto. |
| Adrianus Fuldensis. | Andreas Dandalus. |
| Agnellus Rauennas. | Andreas de Pisis. |
| Agrippa Castorius. | Angelus Perusinus. |
| Aiotanus Armenius. | Angelus de Clausio. |
| Alanus de Insulis. | Angelus Policianus. |
| Albertus patriarcha Hierosolymita. | Angelus de Gambiglionibus. |
| Albertus Galiotus. | Angelonus Diaconus. |
| Albertus Patauinus. | Anianus poeta. |
| Albertus de Eyb. | Ansegius Lobiensis. |
| Albertus Ferrarius. | Anselmus Laudunensis. |
| Albertus Rickmersdorp. | Anselmus Cantuariensis. |
| Albrius Toxatus. | Antiochus episcopus. |
| Alchabicius Mathematicus. | Antonius Eremita. |
| Alcuinus Anglus. | Antonius de Butrio. |
| Albo Floriacensis. | Antonius Graynerius. |
| Alexander primus. pont. Ro. | Antonius Rosellus. |
| Alexander Quintus. | Antonius Cormazanus. |
| Alexander de Imola. | Antonius Corseta, Siculus. |
| Alexander Lythos, Medicus. | Antonius Veronensis. |
| Alexander Capadox, episcopus. | Antonius Panormita. |
| Alexander de Hales. | Antonius Rampogolis. |
| Alexander de Villa Dei. | Antonius de Ienua. |
| Alexander de Alexandria. | Antonius Andree. |
| Alpharus Cassinensis. | Appelles hereticus. |
| Alpharus Hispanus. | Appion Grammaticus. |
| Alphonsus rex Castellę. | Apollinaris Asianus. |
| Alpharabius Arabs. | Apollinaris Laodicenus. |
| Amalaricus Carnontensis. | Apollinaris Cremonensis. |
| Amalarius monachus. | Apollonius Rhetor. |
| Ambrosius Marcionites. | Apolloni[u]s Senator. |
| Ambrosius Alexandrinus. | Aquila Ponticus. |
| Ambrosius Camaldulensis. | Arabanus Catholicus. |

- Arator poeta.
 Archelaus Mesopotamius.
 Aribo Moguntinus.
 Aristides Atheniensis.
 Armagandus physicus.
 Arnoldus de Villa Noua.
 Arnobius Rhetor.
 Arnoldus Bostius.
 Arrius presbyter.
 Asclepius Apher.
 Astaxanus Astensis.
 Asterius Arrianus.
 Athanasius Alexandrinus.
 Atticus Constantinopolitanus.
 Attilius Seuerus.
 Audentius Hispanus.
 Augustinus Apher.
 Augustinus de Ancona.
 Augustinus de Roma.
 Augustinus Datus.
 Auitus Vien[n]ensis.
 Ausonius Burdegalensis.
 Aso Bononiensis.
- Baptista Platina.
 Baptista Piasius, Cremon[ensis].
 Baptista Mantuanus.
 Baptista de sancto Blasio.
 Baptista Leo, Florentinus.
 Baptista de Saliis.
 Bachiarus Peregrinus.
 Baiorotus iurisconsultus.
 Baldericus Dolensis.¹
 Baldus Perusinus.
 Barbacia Siculus.
 Barlaam Eremita.
 Barlaam, Basilii monachus.
 Bardesanes Mesopotamius.
 Barnabas Cyprius.
 Bartholus Saxoferratus.
 Bartholomeus Brixianus.
 Bartholomeus de Ossa.
 Bartholomeus Salicetus.
 Bartholomeus de Urbino.
 Bartholomeus Montagnana.
 Bartholomeus Anglicus.
 Bartholomeus de Chaimis.
- Bartholomeus de Neapoli.
 Bartholomeus Fauentinus.
 Bartholomeus Mulbrunnensis.
 Bartholomeus Ferentinus.
 Bartholomeus de Colonia.
 Basilides hereticus.
 Basilius Magnus.
 Basilius Anquiranus.
 Beda venerabilis.
 Benecasa Italus.
 Benedictus Abbas.
 Benedictus de Plumbino.
 Benedictus de Barsis.
 Beneuenutus Imolensis.
 Berengarius Turonensis.
 Berengarius Cardinalis.
 Berillus Botrensis episcopus.
 Bernardus Clareuallensis.
 Bernardus Compostellanus.
 Bernardus Parmensis.
 Bernardus Dorna.
 Bernardus Cassinensis.
 Bernardus Iustinianus.
 Bernardus de Bessa.
 Bernardus de Gaudonio.
 Bernardus Bononiensis. [fo. 245.
 Bernardus Breydenback.
 Bernardinus Gadalus.
 Bernardinus Bustius.
 Bernardinus de Senis.
 Berno Benedictinus.
 Bertrandus Mediolanensis.
 Bessarion Cardinalis.
 Bethenus Astrologus.
 Blondus Flauius.
 Bonaguida iurisconsultus.
 Bonauentura Cardinalis.
 Bonauentura iurisconsultus.
 Boetius Manilius.
 Bonifacius Wenefridus.
 Bonifacius Octauus.
 Boninus Mombretus.
 Brito Minorita.
 Bruno Herbipolensis.
 Bruno Coloniensis.
 Burgundio Pisanus.
 Burchardus Wormaciensis.
 Buridanus philosophus.

¹ Written above *Burdegalensis*.

| | |
|-------------------------------|---------------------------------|
| Caietanus Vincentinus. | Christianus Drutmarus. |
| Caius fidei doctor. | Curius Alexandrinus. |
| Calixtus Tertius. | |
| Calixtus primus Ro. pontifex. | Dantes Alegerius. |
| Caldicanus Iurista. | Damasus Hispanus. |
| Campanus Lombardus. | David Minorita. |
| Candidus Theologus. | Deus dedit, vel Theodatus. [to. |
| Capuanus Iurisconsultus. | Dexter Philosophus. |
| Caradocus Lancarbanensis. | Didimus Alexandrinus. |
| Carolus Aretinus. | Dinus Mugelanus. |
| Cassiodorus Senator. | Dinus de Garbo, Florent[inus]. |
| Celestinus Pelagionista. | Diodorus Tarsensis. |
| Celestinus primus, Ro. pont. | Dionysius Ariopagita. |
| Cerdo hereticus. | Dionysius Corinthiorum. |
| Cesarius Arelatensis. | Dionysius Alexandrinus. |
| Cesarius Cistertiensis. | Dionysius Romanus. |
| Cerinthus hereticus. | Dionysius de Burgo. |
| Chymacius Taurisanus. | Dionysius Rikel. |
| Claudianus Viennensis. | Dioscorus Alexandrinus. |
| Clemens primus pont. | Domicius Caldrius. |
| Clemens Alexandrinus. | Dominicus de S. Gemin[i]ano. |
| Clemens quintus Ro. pont. | Dominicus Carthusiensis. |
| Clemens Sextus. | Donatus Apher. |
| Cletus pontifex Ro. | Donatus Grammaticus. |
| Cinus Pistoriensis. | Dorotheus Eunuchus. |
| Ciprianus Apher. | Dodechinus presbyter. |
| Cyrillus Hierosolymitanus. | Durandus Minorita. |
| Cyrillus Alexandrinus. | Durandus Speculator. |
| Cyrillus Grecus, Carmelita. | |
| Cirus Alexandrinus. | Eberhardus Bithiniensis. |
| Collucius Florentinus. | Ebion hereticus. |
| Columbanus abbas. | Eckardus Abbas. |
| Commodianus philosophus. | Eckbertus Treuerensis. |
| Constantinus Cassinensis. | Eckbertus Leodiensis. |
| Conradus Suetius. | Effrem Edissenus. |
| Conradus de Zabernia. | Elisabeth Abbatisa. |
| Conradus Celtis. | Elfredus rex Anglię. |
| Conradus Ratisponensis. | Elphes, vxor Boetii. |
| Conradus Summenhart. | Eynardus Scriba. |
| Conradus de Saxonia. | Egelnotus Cantuariensis. |
| Conradus de Alceia. | Egidius de Fuscariis. |
| Conradus de Rotenburg. | Egidius de Roma. |
| Conradus Leontorius. | Egidius philosophus. |
| Cornelius Ro. pont. | Egidius Parisiensis. |
| Crabianus doctor. | Egesippus historicus. |
| Crysoloras Bizantius. | Egesippus alter monachus. |
| Christianus Hantofer. | Ethelwolphus de Lapide. |
| Christophorus Castellio. | Emanuel Chrisoloras. |
| Christophorus Landinus. | Eneas Syluius. |

- Engelhardus poeta.
 Engelbertus Abbas.
 Epiphanius Cyprius.
 Eraclides Monachus.
 Erhardus Corbeiensis.
 Eriphilus Cipriletiensis.
 Eisicius Cesariensis.
 Euagrius Græcus.
 Euagrius alter.
 Euaristus Ro. pont.
 Eubolus Sophista.
 Eunomius Cizicenus.
 Eusebius Pamphilus.
 Eusebius Emissenus.
 Eusebius Vercellensis.
 Eusebius Cremonensis.
 Eustachius Antiochenus.
 Eutherius Lugdunensis.
 Eutices heresiarches.
 Euticius Monachus.
 Eutropius historicus.
 Enuodius Ticinensis.
 Fabianus Ro. pontifex.
 Facius de Vbertinis.
 Facundus Theologus.
 Fastidius Britannus.
 Faustinus presbyter.
 Faustinus Lorinensis.
 Faustus Episcopus.
 Federicus Petucius.
 Felinus Ferrariensis.
 Felix hereticus.
 Felix Cantor Turicensis.
 Flavius Grammaticus.
 Flavius Vopiscus.
 Florus Abbas S. Trudonis.
 Flodoardus Remensis.
 Fortunatus Apher.
 Fortunatus Gallus.
 Fortunatus Patauensis.
 Fortunatus Treuirensis.
 Franciscus Maronis.
 Franciscus Seraphicus.
 Franciscus Petrarcha.
 Franciscus de Barbarino.
 Franciscus de Platea.
 Franciscus de Marchia.
 Franciscus Zabarella.
 Franciscus Barbarus.
 Franciscus Philelphus.
 Franciscus Niger.
 Franciscus Albergotus.
 Franciscus Pedemontium.
 Fridericus ² Petrucius.
 Frar co Leodiensis.
 Franco Benedictinus.
 Freculphus Lexouiensis.
 Fulgentius Apher.
 Fulbertus Carnotensis.
 Gabriel Zerbius.
 Gabriel Byel, doctor.
 Gaius Ro. pontifex.
 Gallus abbas Cisterciensis.
 Gennadius Constantinopolitanus.
 Gennadius Massiliensis.
 Gentilis Fulginas.
 Georgius Valla.
 Georgius Merula.
 Georgius Borbachius.
 Georgius Raysz Carthusiensis.
 Gerbertus Gallicus, papa.
 Gerardus Bituricensis.
 Gerardus Odonis.
 Gerardus Bononiensis.
 Gerardus Groet.
 Gerardus Senensis.
 Gerardus Sagarellus.
 Gerardus Cisterciensis.
 Gerardus de Monte, Coloniensis.
 Gerardus Monachus Quintini.
 Gerardus de Zutphania.
 Gerardus de Stredam.
 Gerardus de Martrarijs.
 Gigo Carthusiensis.
 Gildas Britannus.
 Gilbertus Porretanus.
 Gilbertus Cisterciensis.
 Golscherus monachus.
 Geraldus de Solo.
 Godfridus Viterbiensis.
 Galfridus Monemutensis.
 Godfridus de Fontibus.
 Gotscalcus Hollen.
 Gratianus de S. Proculo.

² Written above *Franciscus* not deleted.

- Gregorius Lacticus.
 Gregorius Magnus.
 Gregorius Nazanzenus.
 Gregorius Nisenus.
 Gregorius de Arimino.
 Gregorius Trapesuntius.
 Gualterus Burleus.
 Gualterus Pietauensis.
 Guarinus Veronensis.
 Guernerus Iurisconsultus.
 Guido de Columna.
 Guido de Monte Rocherii.
 Guido de Perpiniano.
 Guido Mandego.
 Guido Bonatus.
 Guido de Baypho, Archid[iaconus].
 Guido Rauennas.
 Guido Arcius.
 Guilhelmus Eremita.
 fo. 246 b.] Guilhelmus Parisiensis
 Guilhelmus Horburk.
 Guilhelmus Durandus.
 Guilhelmus de Velde.
 Guilhelmus Ockam.
 Guilhelmus Bechius.
 Guilhelmus Remensis.
 Guilhelmus Placentinus
 Guilhelmus de Samuco.
 Guilhelmus de Cumio.
 Guilhelmus de Landuno.
 Guilhelmus de Droreda.
 Guilhelmus de S. Amore.
 Guilhelmus Hirsauensis.
 Guilhelmus S. Bernardi discipulus.
 Guilhelmus Antisiodorensis.
 Guilhelmus de Aquisgrano.
 Guilhelmus Aluernas.
 Guimundus Auersanus.

 Haymo Benedictinus.
 Haymo Anglicus.
 Hammonius Alexandrinus.
 Hartmannus Shedel.
 Heimmericus de Campo.
 Henricus Hostiensis³ Cardinalis.
 Henricus de Gandauo.
 Henricus de Bruxellis.
 Henricus de Vrinaria.

 Henricus de Hassia.
 Henricus Oita, Austrius.
 Henricus de Corsueldia.
 Henricus Friso, Carth[usianus].
 Henricus de Erfordia.
 Henricus Monachus Bened[ictinus].
 Henricus Baten.
 Henricus Ariminensis.
 Henricus Odendorf.
 Henricus Herp, Minorita.
 Henricus Gorchen.
 Henricus Boick.
 Henricus de monte Nacken.
 Henricus Kalcar.
 Henricus Gulpen.
 Henricus de Eynbeck.
 Henricus Carthusiensis.
 Helias Regner.
 Heliandus Frigidi montis.
 Heliodorus presbyter.
 Heliodorus Antiochenus.
 Heliodorus Astrologus.
 Helmoldus Saxo.
 Helpericus Abbas.
 Heluidius hereticus.
 Heraclides monachus.
 Heraclitus Ponticus.
 Herigerus Abbas.
 Hermannus Contractus.
 Hermannus de Soldis.
 Hermannus Campensis.
 Hermannus Petra.
 Hermannus Chronographus.
 Hermas discipulus.
 Hermolaus Barbarus.
 Higinus Ro. pontifex.
 Hilarius Arelatensis.
 Hilarius Pictauensis.
 Hildefonsus Toletanus.
 Hildebertus Cenomanensis.
 Hildegardis Abbatissa.
 Hildemarum monachus.
 Hilcas Aegyptius.
 Hincmarus Remensis.
 Hipolitus episcopus.
 Hireneus Lugdunensis.
 Hisichius presbyter.
 Honorius de Florentia.

³ Written above *de Serusia* [for *Secusia*].

Honorius Augustuducensis.
 7.] Honorius Inclusus.
 Hubertus Lombardus.
 Hubertus Clericus.
 Hubaldus Musicus.
 Humbertus Tullensis.
 Hugo de S. Victore.
 Hugo de Folieto.
 Hugo Senensis.
 Hugo Cathalanensis.
 Hugo, qui et Hugutio.
 Hugolinus Vrbeuentanus.
 Hugutio Pisanus.

Iacobus Apostolus.
 Iacobus Nisibenus.
 Iacobus de Vitriaco.
 Iacobus Baldwinus.
 Iacobus de Beluisio.
 Iacobus de Arena.
 Iacobus de Ranam.
 Iacobus Viterbiensis.
 Iacobus de Theramo.
 Iacobus Toletanus.
 Iacobus Foroliuensis.
 Iacobus de Aluarois.
 Iacobus Zenus.
 Iacobus Perez, de Valent[ia].
 Iacobus Zuttenbuck.
 Iacobus de Butricariis.
 Iacobus de Audizeno.
 Iacobus de Esculo.
 Iacobus Locher.
 Iacobus Erfordensis.
 Iacobus de Gruitrode.
 Iacobus Wimphelingius.
 Iacobus Basiliensis.
 Iacobus Bergomensis.
 Iacobus Publicius.
 Iacobus Magnus.
 Iacobus Paduanus.
 Iacobus Tempilius.
 Iacobus de Dreyesz, Paradisus.
 Iacobus de Neapoli.
 Iacobus Maynius.
 Ieronymus presbyter.
 Ieronymus Manfredus.
 Ignacius Antiochenus.

Innocentius Tertius.
 Innocentius Quartus.
 Iodocus Eithman.
 Iodocus Genselius.⁴
 Ioachim Calabrius.
 Ioannes Apostolus.
 Ioannes Antiochenus.
 Ioannes Cassianus.
 Ioannes Hierosolymitanus.
 Ioannes Damascenus.
 Ioannes Erigena.
 Ioannes Gerundensis.
 Ioannes Serapion.
 Ioannes Carnotensis.
 Iohannes Beleth.
 Iohannes Bosianus.
 Iohannes de Plano.
 Iohannes de Deo.
 Iohannes de Rupescissa.
 Iohannes Duns, Scotus.
 Iohannes de Bachone.
 Iohannes Andreas.
 Iohannes Caldrinus.
 Iohannes de Liguieris.
 Iohannes Saxonius.
 Iohannes de Teneramunda.
 Iohannes Boccacius.
 Iohannes de Imola.
 Iohannes Segobiensis.
 Iohannes Gersonus. [fo. 247 b.]
 Iohannes Tortellius.
 Iohannes Capistranus.
 Iohannes Ananias, archid[iaconus].
 Iohannes Bertachius.
 Iohannes de Indagine.
 Iohannes Viuicellensis.
 Iohannes de Monte regio.
 Iohannes Britannicus.
 Iohannes Chrysostomus.
 Iohannes Fastiolus.
 Iohannes Picus, Mirandula.
 Iohannes Tritemius.
 Ioannes Venetus.
 Ioannes Gualterus.
 Ioannes Hussius.
 Ioannes Mandeuyle.
 Ioannes Rusbroch.
 Ioannes Faber, Aquitanus.

⁴ Above is written *Boyselius*.

- | | |
|-----------------------------------|---------------------------------|
| Ioannes Myles. | Ioannes Nannis, Ianuensis. |
| Ioannes Coler, de Fankel. | Ioannes Gritz. |
| Ioannes Baptista, artecilip. | Ioannes de Vrbach. |
| Ioannes de Platea. | Ioannes Ladamianus. |
| Ioannes Petri, Ferrarius. | Ioannes Datickonis. |
| Ioannes Tormindt. | Ioannes Eligerus. |
| Ioannes de Borboton. | Ioannes de Becka. |
| Ioannes de S. Amando. | Ioannes Hildeshem. |
| Ioannes de Lapide. | Ioannes Sconhouen. |
| Ioannes Dippurg. | Ioannes Bauonis. |
| Ioannes de Sconhouia. | Ioannes Zacharias. |
| Ioannes Ernestus. | Ioannes Castellensis. |
| Ioannes Rode, Benedic[tinus]. | Ioannes Versor. |
| Ioannes Rode, Bohemus. | Iolandus de Breda. |
| Ioannes de Dorsten. | Iordanus historicus. |
| Ioannes Peffer. | Iordanus Alemanus. |
| Ioannes de Dalburg. | Isaac, doctor antiquus. |
| Ioannes Tholassus. | Isaac Antiochenus. |
| Ioannes Peckhamus. | Isaac Bennita. |
| Ioannes Plath, Heydebergensis. | Isaac Sirus abbas. |
| Ioannes Capnion. | Isichius Hierosolymitanus. |
| Ioannes Vergenhausz. | Isidorus Cardinalis. |
| Ioannes Orem, contra mendicantes. | Isidorus Hyspalensis. |
| Ioannes Antonius. | Iuardus Monachus. |
| Ioannes Blanchinus. | Iudas Apostolus. |
| Ioannes de Lampsheim. | Iudas historicus. |
| Ioannes Berberius. | Iodocus Badius. |
| Ioannes Paleonydorus. | Iodocus Rubiacensis. |
| Ioannes Treyserberg. | Iulianus Campanus. |
| Ioannes Mosch, Basiliensis. | Iulianus Toletanus. |
| Ioannes de Rondena. | Iulius Aphricanus. |
| Ioannes de Duren. | Iustinus philosophus. |
| Ioannes Rauennas. | Iustinianus imperator. |
| Ioannes Diaconus. | Iustinianus Valentinus. |
| Ioannes Teutonicus. | Iuo Canonista. |
| Ioannes de Lignano. | Iunianus Maius. |
| Ioannes de Hysdinio. | Iuuenus Hyspanus. |
| Ioannes de Bassiliis. | Iuuenalis Constantinopolitanus. |
| Ioannes xxii, pontifex. | |
| Ioannes de Guara, Theologus. | Kallincus Architectus. |
| Ioannes Marlianus. | Karolus rex Francorum. |
| Ioannes Hyspalensis. | Karolus Caluus. |
| Ioannes Quaye, de Parma. | Karolus Virulius. |
| Ioannes de sacro Bosco, Anglus. | |
| Ioannes Fauentinus, Iurista. | Lactantius Firmianus. |
| Ioannes Hautffinci. | Lambertinus de Ramponibus. |
| Ioannes Polimar. | Lambertus abbas Hasungensis. |
| Ioannes Gutenberg. | Lambertus Hirsueldensis. |
| Ioannes Fuchs, Moguntinus. | Lambertus de Monte. |

- Lanfrancus Beccensis.
 Lanfrancus Brixiensis.
 Lanfrancus Mediolanensis.
 Lopus Castello.
 Latrononus Hyspanus.
 Laurentius Iustinianus.
 Laurentius Vallensis.
 Laurentius de Rudolphis.
 Laurentius Calcaneus.
 Leander Toletanus.
 Leporius Monachus.
 Leonardus de Ethifano.
 Leonardus Aretinus.
 Leonardus Chiensis.
 Leo primus Ro. pontifex.
 Leo Secundus pontifex.
 Leo Quartus.
 Leo Carnotensis.
 Leo papa Nonus.
 Liberianus Bericus.
 Liberatus historicus.
 Linus Ro. episcopus.
 Lucas Antiochenus.
 Lucas Abbas Teuto.
 Lucas Brandisz.
 Lucianus Antiochenus.
 Lucianus presbyter Hiero[solymitan]us.
 Lucifer Caralitanus.
 Lucillianus episcopus.
 Lucius Arrianus.
 Lucius Florus.
 Ludolphus Carthusiensis.
 Ludouicus Pontanus.
 Ludouicus Lazarelus.
 Ludouicus de Roma.
 Lupoldus Bambergensis.
 Lupus de Olieto.
 Lupus presbyter.
 Macharius Aegyptius.
 Machillus Corinthius.
 Macedonius heresiarcha.
 Macrobius episcopus.
 Malchion Antiochenus.
 Malleus astrologus.
 Mamertus Vien[n]ensis.
 Manes Persa.
 Mapheus Phegius.
 Marcianus episcopus.
 Marcellus Anticiranus.
 Marcella discipula.
 Marcion hereticus.
 Marcus Euangelista.
 Marcus Sabellicus.
 Marcus Monachus.
 Marcus Ro. episcopus.
 Marianus Solinus.
 Marianus Scotus.
 Marinus Samutus.
 Marius Philelphus.
 Marsilius Ficinus.
 Marsilius Patauinus.
 Marsilius philosophus.
 Martinus Bosianus.
 Martinus Syluianus.
 Martinus Phileticus.
 Maternus Astrologus.
 Mattheus Euangelista.
 Mattheus de Aquasparta.
 Mattheus Syluaticus.
 Mattheus Cracouiensis.
 Mattheus alter de Cracouia.
 Mattheus Palmerius.
 Mattheus Bossus.
 Mattheus de Mathessula.
 Mathagnanus de Aragundis.
 Matthias Farinatoris.
 Maximus Ephesius.
 Maximus Taurinensis.
 Maximus Alexandrinus.
 Menigfredus Fuldensis.
 Melito Asianus.
 Menander hereticus.
 Merlinus vates Britannus.
 Methodius Parenensis.
 Methodius propheta.
 Michael de Cesena.
 Michael de Massa.
 Michael Carrariensis.
 Michael de Mediolano.
 Michael Scotus.
 Michael de Furno.
 Michael de Dalen.
 Michael Coccinius.
 Melciades doctor.
 Milo Monachus.
 Minucius Felix.

Modestus philosophus.
 Montanus heresiarcha.
 Mundinus Bononiensis.
 Mundinus de Foro Iulii.
 Murachismus Minorita.
 Musanus Scriptor.
 Muscus Massiliensis.

Nellus de S. Geminiano.
 Nepos de Monte Albano.
 Nestor heresiarcha.
 Nicasio Brabantinus.
 Niceas Romanus.
 Nicodemus Iudæus.
 fo. 249.] Nicolaus Cathanensis.
 Nicolaus de Aqua pendente.
 Nicolaus de Cusa.
 Nicolaus Perottus.
 Nicolaus Dorbellus.
 Nicolaus Antiochenus.
 Nicolaus de Neapoli.
 Nicolaus de Lyra.
 Nicolaus Florentinus.
 Nicolaus Dinkelspuel.
 Nicolaus Baiocensis.
 Nicolaus Moguntinus.
 Nicolaus Leonicensus.
 Nicolaus Oresmius.
 Nicolaus Saguntinus.
 Nicolaus Gauer.
 Nicolaus Biartus.
 Nicolaus Mutinensis.
 Nicolaus Funosus.
 Nicolaus de Nyse.
 Nicolaus Lagman.
 Nicolaus Blonius.
 Nicolaus Hanquile.
 Norbertus Coloniensis.
 Notbertus Leodiensis.
 Nouacianus presbyter.

Odilo Cluniacensis.
 Odo abbas Benedictinus.
 Odofredus Beneuentanus.
 Oldradus de Laude.
 Olympus Hyspanus.
 Omnibonus Leonicensus.
 Optatus Apher.
 Origenes Adamantius.

Oriesiesis Monachus.
 Orosius Paulus.
 Osbertus Cantuariensis.
 Oswaldus Reynlin.
 Otho Frisingensis.
 Otho Minorita.

Pachonius Monachus.
 Pelbertus Themeswar.
 Palladius episcopus.
 Palladius Emilianus.
 Pamphilus presbyter.
 Panthenon Stoicus.
 Papias Hieropolitanus.
 Papias Lombardus.
 Pascasio doctor.
 Paterius Abbreviator.
 Paulus Apostolus.
 Paulus Orosius.
 Paulus Episcopus.
 Paulus Longobardus.
 Paulus Pannonius.
 Paulus de Lisariis.
 Paulus Venetus.
 Paulus Procastus.
 Paulus Niauus.
 Paulus Samosatenus.
 Paulus Alemanus.
 Paulus de Roma.
 Paulus Marsus.
 Paulus Wanus.
 Paulus Burgensis.
 Paulus Presbyter.
 Paulinus Nolanus.
 Pastor Hermes.
 Pelagius Monachus.
 Peregrinus Bononiensis.
 Petrus Apostolus.
 Petrus Edissenus.
 Petrus Damianus.
 Petrus Guilhelmus.
 Petrus Alfonsus.
 Petrus Lombardus.
 Petrus Commestor.
 Petrus Blesensis.
 Petrus Cantor Parisiensis.
 Petrus Portugalensis.
 Petrus de Bella partica.
 Petrus de Dacia.

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|-------------------------------|--------------------------------------|
| Petrus Apponus. | Pius 2. qui et Aeneas. |
| Petrus Berthorius. | Placentinus Iurista. |
| Petrus de Aleaco. | Platina historicus. |
| Petrus de Alchorano. | Plotinus philosophus. |
| Petrus Maurocenus. | Pogius Florentinus. |
| Petrus Paulus Vergerius. | Polycarpus episcopus. |
| Petrus Scotus, Argentinensis. | Polycrates Ephesius. |
| Petrus Abelhardus. | Pomponius poeta. |
| Petrus de Riga. | Pomponius Mela. |
| Petrus Rauennas. | Poncius diaconus. |
| Petrus Toletanus. | Ponticus Vitruuius. |
| Petrus Pisanus. | Porcellus poeta. |
| Petrus Ioannis. | Preculphus Lexouiensis. ⁵ |
| Petrus Aureolus. | Priscianus Grammaticus. |
| Petrus de Saxonia. | Priscillianus hereticus. |
| Petrus Dresnach. | Priscus philosophus. |
| Petrus de Rosenhein. | Prepositiuus Iurista. |
| Petrus de Aquila. | Proba vxor Adelphi. |
| Petrus de Sampsona. | Procopius Cæsariensis. |
| Petrus de Carariis. | Proheresius Sophista. |
| Petrus de Amore. | Propercius poeta. |
| Petrus de Aluernia. | Prosper Aquitanus. |
| Petrus Pictauensis. | Prudentius Palatinus. |
| Petrus Brixienis. | Ptolemeus Lucensis. |
| Petrus de Braco. | |
| Petrus de Crescentijs. | Quadratus Atheniensis. |
| Petrus Harentalis. | |
| Petrus Montopolita. | Rabanus Maurus. |
| Petrus Marsus. | Radulphus Flauiacensis. |
| Petrus de Natalibus. | Raherius Veronensis. |
| Petrus de Vineis. | Raynerus de Foro Liuiio. |
| Petrus de Lutra. | Raymundus de Sabunda. |
| Petrus de Colle. | Raphael Fulgosus. |
| Petrus de Riuo, Louaniensis. | Raphael Cumanus. |
| Petrocellus Medicus. | Raymundus Ioannita. |
| Petronius Bononiensis. | Ratbodus Traiectensis. |
| Philanius Cyprius. | Ratbertus Pascasius. |
| Phileas Aegyptius. | Regino Prumensis. |
| Philippus Cretensis. | Remigius Altissiodorensis. |
| Philippus Presbyter. | Remigius Remensis. |
| Philippus de Monte Calerii. | Remigius Grammaticus. |
| Philippus Beroaldus. | Reticus Augustudunensis. |
| Philippus Florentinus. | Reuerendus de Salguis. |
| Philippus de Pergamo. | Ricardus de S. Victore. |
| Photinus Gallogrecus. | Ricardus Cluniacensis. |
| Pileus Modicensis. | Ricardus Malumbra. |
| Pinitus Cretensis. | Ricardus de Media Villa. |
| Pius Ro. pontifex. | Ricardus Armachanus. |

[fo. 250.]

⁵ Written above *Preculfus Lincolnensis*, which, however, is not deleted.

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|------------------------------|---------------------------------|
| Ricardus de Petronibus. | Seuerianus Cauellensis. |
| Ricardus Cantor Parisiensis. | Siagrius Doctor. |
| Ricardus Anglicus. | Sibertus de Beka. |
| Ricardus Remensis. | Sifridus Wysenburgensis. |
| Robertus rex Francorum. | Sidonius Apollinaris. |
| Robertus Carnotensis. | Sigebertus Gemblacensis. |
| Robertus de Russia. | Sylvanus Massiliensis. |
| Robertus de Licio. | Sylvester Ro. pontifex. |
| Robertus Molinensis. | Simachus patricius. |
| Robertus Clareuallensis. | Simon Thuruaius. |
| Rodericus Zamarensis. | Simachus interpres. |
| Rodericus Toletanus. | Simon de Cassia. |
| Rodon Asianus. | Simon de Parma. |
| Rofredus Beneuentanus. | Simon de Cremona. |
| Rogerus Iurisconsultus. | Simon Affligemensis. |
| Rogerus Bachon. | Simon de Spira. |
| Rogerus Coloniensis. | Simplicianus Mediolanensis. |
| Romualdus Camaldulensis. | Sinesius Pentapolensis. |
| Rudolphus Abbas. | Smaragdus Abbas. |
| Rudolphus Agricola. | Sixtus primus Ro. pontifex. |
| Rogerus Sicamber. | Sixtus Quartus. |
| Ruggandus Metensis. | Sophonius Græcus. |
| Rufinus Aquilegiensis. | Strabus Fuldensis. |
| Rupertus Tuitiensis. | Stephanus Anglicus. |
| Rupertus Grossum caput. | Stephanus Grandimontensis. |
| Rupertus monachus S. Albani. | Stephanus Cistertiensis. |
| Rupertus Gaguinus. | Stephanus Leodiensis. |
| Rupertus Premonstratensis. | Stephanus primus Ro. pont. |
| Rupoldus de Babinburg. | Suetonius Anglus. |
| Sabacius Episcopus. | Tacianus orator. |
| Sabinus Turrensis. | Tadeus Florentinus. |
| Salomon Constantiensis. | Tancredus Bononiensis. |
| Saluianus Massiliensis. | Thelesphorus Ro. pont. |
| Samuel Edissenus. | Themistius philosophus. |
| Sanctus Arduinus. | Theobaldus episcopus. |
| Sebastianus Brant. | Theodoricus Monachus. |
| Sedulius præbyter. | Theodoricus de Herxen. |
| Serapion Antiochenus. | Theodoricus Gresimundus. |
| Serapion Scholasticus. | Theodoricus Visenius. |
| Serapion Medicus. | Theodocion Asianus. |
| Sergius Monachus. | Theodorus Neocesariensis. |
| Sextus Rufus. | Theodorus Heracliensis. |
| Sergius Ro. pontifex. | Theodorus Monachus. |
| Sextus philosophus. | Theodorus Antiochenus. |
| Seuerus Sulpicius. | Theodorus Cyprius. ⁶ |
| Seuerus Cecilius. | Theodorus Cantuariensis. |
| Severus Catholicus. | Theodorus Celeusirius. |

⁶ Written above *Syrius*.

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| Theodorus Anciranus. | Victor Ro. pontifex. |
| Theodorus Thessalonicus. | Victor Capuanus. |
| Theodorus Constantinopolitanus. | Victor Maritanus. |
| Theodatus Rex. | Victorinus Pictaueusis. |
| Theodolus poeta. | Victorinus Apher. |
| Theodulphus Aurelianensis. | Victorinus Massiliensis. |
| Theophilus Alexandrinus. | Victorianus Buconius. |
| Theophilus Antiochenus. | Vigilantius presbyter. |
| Theophilus Cesariensis. | Vigilius Episcopus. |
| Theotimus Scythie Taurine ⁷ epi-
scopus. | Vigilius Diaconus. |
| Tertullianus Apher. | Villanus Florentinus. |
| Timotheus Episcopus. | Vincentius Franko. |
| Timotheus heresiarcha. | Vincentius Gallus. |
| Ticonius Apher. | Vincentius Grower. |
| Titus Botrenus. | Vitalis de Campanis. |
| Thomas de Argentina. | Vitalianus Ro. pontifex. |
| Thomas Florentinus. | Vitellius Apher. |
| Thomas Kempes. | Vitruuius Taruisinus. |
| Thomas de Ceperano. | Vinianus legisperitus. |
| Thomas Bradwardinus. | Vlricus de Campo liliorum |
| Thomas de Ancona. | Vrbanus primus Ro. pont. |
| Thomas de Haselbach. | Vrsinus Monachus. |
| Thomas Bricot. | Waldenus Lugdunensis. |
| Thomasuctius Fulginas. | Walafridus Abbas. |
| Triphyllius Cyprius. | Waldebertus Pruniensis. |
| Triphon Origenis discipulus. | Wettitrindus Corbeiensis. |
| Tursianus Medicus. | Willibaldus Episcopus. |
| Turpinus Remensis. | Wornerus Monachus. |
| Valentinus hereticus. | Wornerus Westphalus. |
| Vbertinus de Casali. | Vulpertus Carnotensis. |
| Vberius de Bobio. | Zacharias Ro. pontifex. |
| Vbertus Bonacursius. | Zenon imperator. |
| Vdo Commentator. | Zepherinus Ro. pontifex. |
| Vigerius Flaius. | Zozimas Abbas. |

[fo. 251.]

Finis secundi libri peritorum virorum Philippi Wolfij.

*Ex tertio libro Catalogi Philippi Wolphiij, de vitis peritorum virorum.
De Dominicanis.*

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|-------------------------------|---------------------------|
| Albertus Magnus, Bolsteter. | Albertus Concionator. |
| Albertus de Brixia. | Albrandinus Lombardus. |
| Albertus Laudensis. | Albrandinus Ferrarius. |
| Albertus Clauarus. | Alanus de Rupe. |
| Albertus Orlamude, Thuringus. | Ambrosius Mediolanensis. |
| Albertus Remensis. | Ambrosius Catherinus. |
| Albertus Saxo. | Antoninus Archiepiscopus. |

⁷ Written above *Corinthius* deleted.

Antonius Fautentinus.
 Antonius Parmensis.
 Antonius de Glistandis.
 Antonius Bononiensis.
 Antonius Ferrariensis.
 Angelus Niger, Viterbiensis.
 Andreas Anglicus.
 Armandus de Bello viso.
 Arnoldus Leodiensis.
 Augustinus Senensis.
 Augustinus Iustinianus.
 Ambrosius Pelargus.

Bartholomęus Pisanus.
 Bartholomęus de Bolsenheim.
 Bartholomęus Lucanus.
 Bartholomęus Monopolitanus.
 Bartholomęus Mutinensis.
 Bartholomęus Mansolo.
 Bertoldus de Meysenburg.
 Benedictus .xj. Ro. pont.
 Bernardus Claremontensis.
 fo. 251 b.] Bernardus Guidonis.
 Bernardus de Trilia.
 Bernardus de Mynda.
 Bernardus Parentinus.
 Bernardus Hyspanus.
 Bernardus Lutzenburgus.
 Bertrandus Confluentinus.
 Boecius Dacus.
 Bombolonius Bononiensis.
 Burkardus Theutonicus.

Clarus Iurisperitus.
 Claudius de Bononia.
 Clemens de Terra salsa.
 Conradus de Halberstatt.
 Conradus de Timberla.
 Conradus Alemanus.
 Conradus Esculanus.
 Conradus Reydox.
 Conradus Kollyn.
 Constantius Vrbeueteranus.
 Christophorus Molhusensis.
 Christophorus Lombardus.

Dominicus Pisanus.
 Dominicus de Flandria.
 Dominicus Tholosanus.

Durandus de S. Porciano.
 Durandellus Doctor.

Egidius de Liscinijs.
 Egidius Aurelianus.
 Engelbertus Cultrifex.
 Ernestus Saxo.
 Eustachius Bononiensis.

Federicus Venetus.
 Felicianus Theologus.
 Franciscus de Reiza.
 Franciscus Lombardus.

Gabriel Barleta.
 Gallus Theutonicus.
 Gardianus Doctor.
 Garzinus Francigena.
 Georgius de Alexandria.
 Georgius de Ceruo.
 Georgius Mediolanensis.
 Gregorius Viennensis.
 Gerardus Lemonicensis.
 Gerardus Sterngasse.
 Gerardus de Mynda.
 Gerardus de Antwerpia.
 Gerardus Leodiensis.
 Gerardus de Elten.
 Gobelinus Phorcensis.
 Goswinus Meydenburgensis.
 Gotscalcus Erfordensis.
 Graciadeus Esculanus.
 Griffinus Anglicus.
 Guido Argominensis.
 Guido Parisiensis.
 Guido Guccius Bononius.
 Guillermus Parisiensis.
 Guillermus de Caiotho.
 Guilhelmus de Altona.
 Guilhelmus Peralt.
 Guilhelmus Gilla.
 Guilhelmus Brabantinus.
 Guilhelmus de Caleth.
 Guilhelmus Brixiensis.
 Guilhelmus Gallicus.
 Guilhelmus Maklesfelde.
 Guilhelmus Durandi.
 Guilhelmus Hodon.

Hanibal Romanus.
 Heluicus Theutonicus.
 Henricus Ernestus.
 Henricus de Hirsfeldia.
 Henricus Elster.
 Henricus Bitterfelt.
 Henricus Witenburgus.
 Henricus Institoris.
 Henricus de Ceruo.
 2.] Henricus Kaltysen.
 Henricus Ariminensis.
 Henricus de Erfordia.
 Henricus de Hallis.
 Henricus Sueuus.
 Hermannus de Mynda.
 Hermannus Zittart.
 Herueus Brito.
 Hispanus Pugio.
 Hugo Argentinensis.
 Hugo de Prato florido.
 Hugo de Sancto Caro.
 Hugo Bolonius.
 Hugo Gallicus.
 Humbertus Viennensis.

Iacobus Romanus.
 Iacobus Firmianus.
 Iacobus Metensis.
 Iacobus de Susato.
 Iacobus de Gauda.
 Iacobus Ianuensis.
 Iacobus de Casulis.
 Iacobus de Voragine.
 Iacobus Aegidius.
 Iacobus de Losanna.
 Iacobus Beneuentanus.
 Ieronymus Saonarola.
 Ieronymus Albertucius.
 Ieronymus Foroliuensis.
 Ingoldus Argentinensis.
 Innocentius Quintus Ro. pont.
 Ioannes de Tambaco.
 Ioannes Hasle.⁸
 Ioannes Dominici.
 Ioannes de Turre cremata.

Ioannes Lichtenberg.
 Ioannes Schadlant.
 Ioannes de Erdenburg.
 Ioannes Sterngasse.
 Ioannes Nider.
 Ioannes Capriolus.
 Ioannes Meydenburgensis.⁹
 Ioannes Molenburgensis.
 Ioannes Barthusen.
 Ioannes de Rust.
 Ioannes Parisiensis.
 Ioannes de Columna.
 Ioannes Smirgel.
 Ioannes Balbus.
 Ioannes de Verdiaco.
 Ioannes de Neapoli.
 Ioannes de S. Geminiano.
 Ioannes Christophorus.
 Ioannes Fauentinus.
 Ioannes Pungens asinum.
 Ioannes Brommart.
 Ioannes Vicaldus.
 Ioannes Carolus.
 Ioannes Tenus.
 Ioannes Cranszben.
 Ioannes de Famio.
 Ioannes Efringen.
 Ioannes Bartus.
 Ioannes Herolt.
 Ioannes de Monte nigro.
 Ioannes Cusyn.
 Ioannes Anglicus.¹⁰
 Ioannes Vincentinus.
 Ioannes de Parma.
 Ioannes de Ragusio.
 Ioannes Annius.
 Io. Simiczkill¹¹.
 Io. de Fonte, Noremburgensis.
 Ioannes Scroler.
 Ioannes Molitoris.
 Io. de Fonte, Gallus.
 Ioannes Tholosanus.
 Ioannes Vinetus.
 Ioannes Falkenburg.
 Ioannes Theutonicus.

[fo. 252b.]

⁸ *Hasle* written after *Hasse* deleted.⁹ Above this name is written *de vi... can*; but the words are blotted and cannot be read.¹⁰ Above the line is written *de S. Aegidio*.¹¹ Above the line is written *de Franckfordia*

Ioannes Gobius.
 Ioannes Hayonis.
 Ioannes Heynlin.
 Ioannes Pistoriensis.
 Ioannes de S. Miniato.
 Ioannes Tabiensis.
 Iordanus Generalis.
 Ioannes Reinhardi.
 Ioannes Diedenbergen.

Latinus Romanus.
 Laurentius Geruasius.
 Leander Albertus.
 Leonardus de Utino.
 Leonardus Stacius.
 Lucas Bohemus.
 Ludolphus Hildesheim.
 Ludouicus Theutonicus.
 Ludouicus Venetus.
 Ludouicus Ferrariensis.

Martinus Polonus.
 Martinus de Dacia.
 Martinus Scotus.
 Mattheus Rupinensis.
 Mattheus Doctor.
 Mauricius Theologus.
 Michael de Insulis.
 Michael de Vngaria.
 Moneta Lombardus.

Nicolaus Gorham.
 Nicolaus Treuet.
 Nicolaus Emericus.
 Nicolaus Romanus.
 Nicolaus de Onesiaco.
 Nicolaus de Traiecto.
 Nicolaus de Giaro.
 Nicolaus de Spira.
 Nicolaus de Teruisio.
 Nicolaus de Hanapis.
 Nicolaus Esculanus.

Oliuerius Brito.
 Oliuerius Dacus.

Paganus inquisitor.
 Paulus Soncinas.
 Petrus de Tarentasia.

Petrus de Palude.
 Petrus Remensis.
 Petrus de Palma.
 Petrus Alphonsus.
 Petrus Anglicus.
 Petrus Chalo, de Clusia.
 Petrus de Penna.
 Petrus de Maldura.
 Petrus Niger, Alemanus.
 Petrus Elgast.
 Petrus de Sezaria.
 Petrus Hieremię.
 Petrus Vasco.
 Petrus Ferrandus.
 Petrus de Bruxellis.
 Philippus Brommerde.
 Pillegrinus Coloniensis.
 Ptolemęus de Luca.
 Pugio Hyspanus.

Raymundus de Pennaforti.¹³

Raymundus Martini.
 Raymundus de Vineis.
 Raynaldus Romanus.
 Rainerius Pisanus.
 Ramencius Doctor.
 Raphael de Peruasio.
 Raphael Soncinas.
 Ricardus Argentinensis.
 Ricardus Knapwell.
 Ricardus Fiacrius.
 Robertus Kilwarby.
 Robertus Holcoth.
 Robertus Oxforde.
 Romanus Caietanus.
 Radulphus de Nouiomago.
 Rolandus Cremonensis.
 Rolandus Parisiensis.

Sanctius de Porta.
 Sibitonus Viennensis.
 Sifridus Cirenensis.
 Sigillinus de Openhem.
 Sylvester Prieras.
 Simon Anglicus.
 Simon de S. Quintino.
 Stephanus Gallicus.
 Stephanus de Bisuncio.

¹³ MS. *pēmaforti*.

Theodoricus de Wiberg.
 Theodoricus Herolt.
 Theodoricus de Appoldia.
 Theodoricus de Elrich.
 Theophilus Cremonensis.
 Thomas de Aquino.
 Thomas de Suttona.
 Thomas Gualensis.
 Thomas de Cantiprato.
 Thomas Sperman.
 Thomas Stubbes.
 Thomas Langfelde.
 Thomas Anglicus.
 Thomas Vigleuanensis.
 Thomas Radinus.
 Thomas Mutinensis.
 Thomas Iorse, Anglus.
 Thomas Agnus.

Thomas Caietanus.
 Thomas Cathaneus.
 Thomasius Ferrarius.
 Tullius Dacus.
 Valentinus de Franckfordia.
 Valentinus Camerus.
 Vbertus lector.
 Vbertinus Florentinus.
 Venturinus concionator.
 Vincentius de Valencia.
 Vincentius Brandellus,¹³
 Vincentius Beluacensis.
 Vlricus Engelberti.

Wigandus Cauponis.
 Wornerus de Potis.

Finis tertij libri, De vitis peritorum virorum, Philipp Wolfj.

Fines under the Elizabethan Act of Uniformity

AMONG the few unworked fields of Elizabethan history there remains the financial aspect of the penal laws. My aim in this paper is to make a contribution to its study from a well-defined point of view and to indicate some possible lines for further inquiry. It will be well then to begin by stating clearly the limitations within which I propose to confine myself. My concern is with the workings of the Elizabethan Act of Uniformity in relation to fines for nonconformity, as outlined in the following section of the act.

. . . all and every person and persons inhabiting within this realm or any other the Queen's Majesty's dominions shall diligently and faithfully, having no lawful excuse to be absent, endeavour themselves to resort to their parish church or chapel accustomed, or upon reasonable let thereof, to some usual place where common prayer and such service of God shall be used in such time of let, upon every Sunday and other days ordained and used to be kept as holy days, and then and there to abide orderly and soberly during the time of the common prayer, preachings, or other service of God there to be used and ministered; upon pain of punishment by the censures of the Church, and also upon pain that every person so offending shall forfeit for every such offence twelve pence, to be levied by the churchwardens of the parish where such offence shall be done, to the use of the poor of the same parish, of the goods, lands, tenements of such offender, by way of distress.

¹³ Above *Brandellus* is written *de nouo castro*.

Three considerations emerge from this enactment : (a) † must attend church services, &c., on the statutory † a fine of twelve pence is to be levied on offenders ; (c) of the fine is in the hands of the churchwardens. with this third consideration the forty-sixth roy of 1559 must be kept in mind.

Item, that in every parish three or four discreet men, which tender God's glory, and His true religion, shall be appointed by the Ordinaries diligently to see that all the parishoners duly resort to their Church upon all Sundays and Holy Days, and there to continue the whole time of the Godly Service ; and all such as shall be found slack or negligent in resorting to the Church, having no great or urgent cause of absence, they shall straitly call upon them, and after due admonition if they amend not, they shall denounce them to the Ordinary.

As a matter of fact the 'three or four discreet men' of this injunction were in practice the parochial churchwardens.

It is necessary to notice carefully this relation of the churchwardens to parochial nonconformity. The fines under the Act of Uniformity were in the hands of the parochial officials, and the difficulty of spiritual officers levying fines was overcome by the direction of the act that the proceeds were to be applied *in pios usus*, 'to the use of the poor.' These fines then were not primarily under the control of state or civil officials, as was the case in connexion with the later Elizabethan penal acts² which dealt with fines for recusancy. We shall not, therefore, expect to find many records dealing with fines under the Act of Uniformity in the Record Office or in other national collections. Among manuscripts in such places can be found many references to fines when they became a concern of national finance under later legislation, and when their enormous size made them a possible source of valuable revenue. There are only a few documents, however, in these collections which throw light on the workings of the Act of Uniformity in its financial aspect, and these are almost all duplicated in diocesan and parochial manuscripts, or have strayed from diocesan or parochial collections. In other words, the Record Office and the British Museum are the last places in which the student may expect to find material illustrating fines under the Act, and as a matter of fact he will find little of value there, and only to any degree in contemporary texts in the British Museum, which are drawn from diocesan sources. On the other hand, the conclusion must be guarded against that because of such an absence the Act of Uniformity was not enforced. I think that when search is made among parochial and diocesan documents—where *prima facie* such research should be made—there will

¹ I have used a contemporary text in the British Museum (5155. a. 14).

² 23 Eliz. c. 1 ; cf. 28 and 29 Eliz. c. 6.

emerge sufficient evidence to enforce the conclusion that there were at least consistent and uniform attempts to enforce the Act, and these quite apart from the great turning-points of religious crises during the reign. Of course, it may be said, and said I think with fairness so far at least as my researches have gone, that these attempts do not prove that fines were regularly collected. With that side of the question I am at present unable to deal. However, my main concern is with the evidence which I have brought together from diocesan sources.

The most valuable documents which we possess for our purpose are the Visitation Articles and Injunctions whether administered by royal or ecclesiastical visitors. These documents enable us to follow almost from year to year the vicissitudes of parochial life in its religious aspects, and from them can be drawn abundant evidence on the workings of the Act of Uniformity in connexion with the twelve-penny fine for recusancy. Before examining this evidence I think it well, first, to point out in outline the methods which governed visitations. This outline will help to show how the scheme of parochial government was worked out, and will illustrate the minute care which was given to it; and secondly, it will make it clear that the records of actual visitations, carried out as I shall explain, cover the entire reign and are not confined to those moments in Elizabethan history when the dread of puritan and catholic became, if not a public, at least a governmental panic.

The normal method of beginning a visitation was by sending a notice to the archdeacons of the diocese that at a certain date the bishop or his commissaries would begin a visitation. In preparation for such an investigation, questmen—usually the churchwardens—were appointed to represent each parish. In due course these representatives met the bishop or his officials at appointed places. At these meetings they were presented as a rule with a set of questions, called Visitation Articles, which dealt with such *minutiae* of parochial life as came within the sphere of ecclesiastical rule. To these questions they were obliged to give answers, in writing under oath, before they left the place of meeting. Where no articles of inquiry were distributed the ordinary delivered a set speech expounding the general terms of the investigation. An illustration or two will suffice. In 1560 we find the usual order recorded among Archbishop Parker's documents

Then the questmen to be called . . . to make answer directly and articulately upon their oaths to every article in writing or they depart the place.³

³ Parker, Register, i. f. 301, MS. at Lambeth. The registers and documents of other sees are cited throughout this paper, unless otherwise stated, from the manuscripts preserved in the respective cathedral cities.

In 1589 Bishop John Young in this ~~er~~ diocese of Rochester. The scope of his inquiry was stated in a formal address to his clergy and churchwardens,⁴ and Parker's plan just mentioned governed his visitation. Thus, whether the visitation began with a set of visitation articles or with a formal address, there necessarily followed replies in writing under oath. Each parish then provided its quota of information. As soon as this information was summarized by the diocesan officials, it was customary for the bishop or his commissaries to issue a set of Visitation Injunctions based on the information. These injunctions were sent to each parish through the archdeacons and were, by order of the ordinaries, read by the parsons in the parish churches. They became part of the scheme under which the churchwardens carried on parochial government, and in turn afforded the ordinaries scope for visitation articles at subsequent visitations. Each churchwarden not only took oath to observe such regulations as were sent to him by the civil government, but also to carry out diocesan injunctions. When either of the provinces was visited by its archbishop, the jurisdiction of the diocesan ordinaries was suspended and the provincial visitors administered provincial visitation articles and the subsequent provincial injunctions in all the parishes of the province under visitation. Thus it happens, as will appear later, that we possess evidence which emphasizes that provided by diocesan documents.

From this method of obtaining information and of enforcing regulations, it is clear that as far as possible every care was taken that there should be no loophole through which any parish might escape. It is well, too, to point out that the clergy were examined under oath with regard to the administration carried on by their churchwardens, and that the rural deans of each archdeaconry were continually collecting information along similar lines in connexion with parochial life. It is true that here and there clergy, churchwardens, and people appear to have combined to circumvent the ordinaries. I am aware that a certain amount of evidence is forthcoming of double-dealing by churchwardens in spite of their oaths of office. This fact need not surprise us, nor need it prevent us from concluding that on the whole visitations were something more than empty formalities. That they did not attain their objects completely is evident from the incessant repetition of the same questions and injunctions, but their failure was due not so much to slack administration as to the ever growing distrust of the principle *Cuius regio eius religio*. I believe that they provide serious evidence in connexion with the subject which I am now considering.

As there has been a disposition to conclude that fines for

⁴ Young Register, f. 186.

recusancy were only enforced during panics, it seems well, in the second place, to point out how consistent are the records of visitations during the reign. I shall give some details of evidence, not necessarily complete, but sufficient to prove my case. The following list of some recorded visitations will show the uniformity of diocesan activity. It does not include visitations from which direct evidence in connexion with the twelve-penny fine can be drawn—evidence which I shall consider later. It is illustrative only of diocesan discipline, which I infer by analogy dealt with fines under the Act of Uniformity, and it is exclusively confined to those visitations for which I have as yet discovered no visitation articles or visitation injunctions, which, I believe, were they brought to light, would prove helpful.

- 1561. Bishop Cox visits diocese of Ely. (Visitation Book.)
- 1563. Visitation of Exeter Diocese. (Exeter Register, f. 73.)
- 1569. Bishop Parkhurst visits Norwich. (Cambridge University Library MS. Mm. vi. 57. 4. f. 10.)
- 1571. Bishop Sandys visits London. (Earl's Diary, f. 36. Cambridge MS. Mm. i. 29.)
- 1573. Bishop Scambler visits Peterborough. (Visitation MSS.)
- 1574. Archbishop Grindal visits York. (Grindal Register, f. 141.)
- 1580-2. Traces of a Metropolitan Visitation of the Province of Canterbury. (Lambeth, Cart. Misc., ii. 79; Exeter Register, ff. 21, 69 v.)
- 1583. Metropolitan Visitation of Province of Canterbury. (Whitgift Register, i, ff. 207, 223-40, Worcester Liber Canonum, A. xiv. f. 66.)
- 1586. Bishop Freke visits Worcester. (*Ibid.*, f. 66 v.)
- 1591. Visitation of Llandaff. (Llandaff Act Book II.)
- 1593. Visitation of York. (Piers' Register, f. 64.)

It is now necessary to turn to those visitations for which visitation articles or injunctions survive. These articles or injunctions move along well-defined lines. For our purpose they may be divided into two classes: (a) those containing indirect evidence; and (b) those containing direct evidence. A consideration of this evidence under both heads will help to show the type of illustration which might be expected from the eleven visitations noted above, had similar documents been forthcoming.

In considering those visitations which provide indirect evidence I have not thought it necessary to refer to them in detail. Nearly all visitation articles or injunctions, when they do not contain a direct reference to the enforcing of the fines under the Act of Uniformity, contain an order or inquiry in connexion with the enforcing of the Act, or in connexion with the quarterly reading of the royal injunctions of 1559. The former reference would keep the parochial officials in touch with the provisions of the Act; the latter would bring to their minds the fact

that it was part of their duty to see not only that the Act was enforced, but that their part in enforcing it was carried out. For example, in 1572, Bishop Freke visited the diocese of Rochester and inquired

Whether there be any in your parish that are negligent in coming to Church to Divine Service ?

Whether there be any in your parish that have not received the Communion three times the year, or that absenteth themselves from Church and come not unto Divine Service ; and who are they ?⁵

Whitgift almost uses Freke's words when visiting the diocese of Salisbury in 1588 and the diocese of St. Asaph in 1600.⁶ In 1569 Bishop Sandys visited the diocese of Worcester and inquired

Item. Whether your minister do every quarter openly in the pulpit read the Queen's Majesty's Injunctions . . . ?⁷

These are typical examples of this indirect evidence, which is patient of the conclusion that, whatever the dealings may have been under the more severe penal acts, those under the Act of Uniformity still went on. Indeed, while Whitgift was enforcing the more severe penal acts by special directions to the clergy of his province, he was making the Act of Uniformity a source of indirect orders in his visitations. The type of question quoted from Freke's visitation implies that the churchwardens will furnish him with an account of their duties in connexion with recusants since the last visitation, and such an account would necessarily include a statement of the manner in which the twelve-penny fine had been levied. This custom of indirect inquiry continued throughout the reign. It may not afford a large burden of proof, but when it is taken into consideration with the direct evidence, it certainly cannot be overlooked.

I shall now consider this direct evidence under provinces and dioceses.

I. PROVINCE OF CANTERBURY

(1) *Visitations applying to the whole Province of Canterbury*

1560. 'If any be negligent or wilful whether the forfeiture be levied on their goods to the use of the poor, according to the laws of this realm in that behalf provided ?' (Parker Register, i, f. 302.)

1561. The Episcopal 'Interpretations' ordered 'that the churchwardens once in the month declare by their curates, in bills subscribed by their hands, to the Ordinary or to the next officer under him, who they be which will not readily pay their penalties for not coming to God's Divine Service according to the Statutes'. (Inner Temple, London, Petyt MSS.

⁵ Rochester Register, no. 7, f. 128^v.

⁶ Whitgift Register, i, f. 400 ; iii, f. 218.

⁷ Lansdowne MSS., Brit. Mus., xi, f. 204.

538, 38, f. 223, and 538, 47, f. 545; Corpus Christi College, Cambridge, MS. cvi, p. 423).⁸

1566. 'That the Churchwardens once in the quarter declare by their curates in bills subscribed with their hands to the Ordinary or to the next officer under him who they be which will not readily pay their penalties for not coming to God's Divine Service accordingly.' (The *Advertisements* of 1566, from the contemporary text printed by Reginald Wolfe, British Museum, T. 1014.)

1576. 'Whether the forfeiture of 12^d for every such offence appointed by a statute made in the first year of the Queen's Majesty's reign be levied and taken according to the same statute by the churchwardens of every person that so offendeth and by them be put to the use of the poor of the parish, and if it be not by whose default it be not levied; and what particular sums of money have been forfeited that way and by whom since the feast of Easter in the year of our Lord 1575, until the day of giving up the presentment concerning these articles, and so from time to time as the same churchwardens and swornmen shall be appointed to present in this behalf. And how much of such forfeitures have been delivered to the use of the poor of the parish, and to whom the same hath been delivered?' (Grindal Register, f. 97.)

(2) *Visitations applying to the Diocese of Canterbury*

1563. 'Whether the lay people be diligent in coming to the church on the Holy Days . . . if any be negligent or wilful whether the forfeiture is levied on their goods to the use of the poor according to the laws of this realm in that behalf provided, and what money hath been gathered by the churchwardens of the forfeits?' (Parker Register, i, f. 212.)

1569. The article of 1563 was repeated in identical terms in 1569. (*Ibid.*, f. 320.)

1573. The article of 1563 was repeated in identical terms in 1573. (Contemporary text, printed by Reginald Wolfe, British Museum, T. 775 (9).)

1597. The article of 1573 was repeated in identical terms in 1597. (Contemporary text, British Museum, 698. g. 29.)

(3) *Visitations applying to the Diocese of London*

1571. 'Whether the forfeiture of twelve pence for every such offence appointed by a statute made in the first year of the Queen's Majesty's reign be levied and taken according to the same statute by the churchwardens of every person that so offendeth and by them be put to the use of the poor of the parish. And if not, by whose fault it is not levied or not put to the use of the poor aforesaid?' (Contemporary text, printed by William Seres, British Museum, 698, h. 20 (10).)

(4) *Visitations applying to the Diocese of Winchester*

1569. 'Item, that if any absent himself from Divine Service or use not himself devoutly and reverently thereat, for every such absence or evil

⁸ This order describes the method agreed on by the bishops for applying the forty-sixth royal injunction already quoted to the parishes of England. See my *Interpretations of the Bishops* (1908).

behaviour 12d. to be paid to the poor and levied of their goods.' (Visitation of the Channel Islands, in Horne Register, f. 67.)

1575. '*Item*, whether your churchwardens and swornmen and such as were before you have according to the Act of Parliament therefor in the first year of the Queen's Majesty's reign provided, levied of every one that wilfully or negligently is absent from church or unreverently behaveth himself at Common Prayer as is in the said act appointed, twelve pence for every such offence. Whereunto the said forfeiture is applied, what account thereof yearly is made and whether your poor man's box be accordingly kept and the alms thereof accounted yearly to the parish?' (Contemporary text, printed by John Daye, British Museum, 5155. de. 24. Cf. Horne Register, f. 99.)

(5) *Visitations applying to the Diocese of Ely*

1571. 'To certify and present whether the churchwardens and swornmen have levied and gathered of every that wilfully or negligently absenteth him or herself from their parish church or unreverently behave himself or herself in the church in the time of Divine Service upon the Sundays or other Holy Days the forfeiture of xij d. for every such offence according to a statute made in the first year of the Queen's Majesty's reign that now is, and have put the same forfeiture to the use of the poor of the same parish, and what particular sums of money are quarterly forfeited that way and by whom and how much thereof is levied and delivered to the collectors of the poor; and if any such forfeiture be not levied in case of such offence, by whose fault it happeneth that the same are not levied, and what be the names of such as offend that way and do not pay the said forfeiture?' (Contemporary text in the Bodleian Library.)

(6) *Visitations applying to the Diocese of Norwich*

1561. 'Whether the churchwardens of every parish do duly levy and gather of the goods and lands of every such person that cometh not to his own parish church upon the Sundays and Holy Days and there hear the Divine Service and God's Word read and preached, twelve pence for every such offence, and whether they have distributed the same money to the poor?' (Contemporary text, printed by John Day, British Museum, 5155. aa. 8.)

(7) *Visitations applying to the Diocese of Lincoln*

1588. 'Whether have your churchwardens from time to time levied 12d., for every day, of those who absenteth themselves from church and whether hath the same been bestowed upon the poor or not?' (Contemporary text, British Museum, 5155. a. 20 (4).)

1591. The article of 1588 was repeated in identical terms in 1591. (Contemporary text, British Museum, 698. (g.) 32.)

Note.—In 1577 and in 1598 the Ordinaries of Lincoln diocese ordered their clergy to warn their churchwardens every Sunday after the Second Lesson at Morning and Evening Prayer to be diligent in taking the names of those who absented themselves from church, and in enforcing the Act of Uniformity. (Contemporary texts, British Museum, 5155. a. 20., 5155. a. 20 (5).)

(8) *Visitations applying to the Diocese of Coventry and Lichfield*

1565. 'Item, that they note and mark diligently those that do accustomedly absent themselves from the church, and after one monition had, if they do not amend, to punish them according to the Statute, that is to pay 12d. to the poor man's box as often as they be absent and cannot show a just cause of their absence.' (Record Office, State Papers Domestic xxxvi, no. 41.)

(9) *Visitations applying to the Diocese of Chichester*

1586. 'Whether the churchwardens do levy for not coming to the church to hear divine service upon Sundays and Holy Days, twelve pence for every person absent without lawful excuse?' (Contemporary text, British Museum, 1368. d. 32.)

It is interesting to note that the next question deals with the enforcing of a later penal act. Thus fines under the Act of Uniformity went on undisturbed by later legislation.

(10) *Visitations applying to the Diocese of Rochester*

1565. 'That the churchwardens once in the month declare by their curates in bills subscribed with their hands to me or my officer under me who they be that will not readily pay the penalties for not coming to God's Divine Service according to the Statute.' (Rochester Register, no. 7, f. 98^v.)

1571. The article of 1565 is repeated in the form of a question to the churchwardens in 1571. (*Ibid.*, f. 118.)

B. PROVINCE OF YORK

(1) *Visitations applying to the whole Province of York*

1561. The Interpretations (as above).

1566. The Advertisements (as above).

1571. 'Item for the putting of the churchwardens and swornmen better in remembrance of their duty in observing and noting all such persons of your parish as do offend in not coming to Divine Service, ye shall openly every Sunday, after ye have read the Second Lesson at Morning and Evening Prayer, monish and warn the churchwardens and swornmen of your parish to look to their oaths and charge in this behalf and to observe who contrary to the law do that day offend, either in absenting themselves negligently or wilfully from their parish church or chapel, or unreverently use themselves in time of Divine Service, and so note the same to the intent that they may either present such offenders to the Ordinary, when they shall be required thereunto, or levy and take away by way of distress to the use of the poor such forfeitures as are appointed by a Statute made in the first year of the Queen's Majesty's reign in that behalf.' (Contemporary text, printed by William Seres, in the Bodleian Library.)

(2) *Visitations applying to the Diocese of Chester*

1581. 'Whether your Churchwardens have . . . levied the forfeiture of 12 pence for every absence from Common Prayer according to the Statute and put the same to the use of the poor of the parish?' (Reprint in *Chester Historical Society's Publications*, vol. xiii.)

We are now in a position to summarize the evidence which is provided by these visitation articles and injunctions. In 1561 and in 1566 the bishops ordered the churchwardens of England and Wales to prepare monthly or quarterly lists of those parishioners who would not pay the twelve-penny fine for nonconformity. In 1560 the churchwardens of every parish in the province of Canterbury—i. e. two-thirds of England and Wales—were requested to give an account of their activities in relation to that fine, and in 1576 the request was repeated in a more detailed form. In 1563, 1569, 1573, and 1597 the churchwardens of the parishes in the diocese of Canterbury were asked if nonconformists had been duly fined, and to furnish details of the money thus collected from the twelve-penny forfeitures. In 1571 a similar inquisition took place in the parishes in the diocese of London. In 1569 Bishop Horne went the full length of the law in the parishes of the diocese of Winchester and included nonconformity and irreverent behaviour at church under the one fine. In the same parishes Archbishop Parker carried out almost his last official act as provincial visitor, when in 1575 he enforced Horne's order of 1569. For the parishes of the diocese of Ely in 1571 and for those of Norwich in 1561, the documents of Bishop Cox and Bishop Parkhurst provide their quota of evidence. In Lincoln diocese the churchwardens had their attention drawn to their duties in this connexion at four dates during the reign, 1577, 1588, 1591, and 1598. In the parishes of Coventry and Lichfield diocese, Bentham in 1565 allowed a due monition to precede the levying of the fine. The parishes of Chichester in 1586, and of Rochester in 1565 and in 1571 were brought into line, in the latter case with demands for monthly returns. In the province of York the available evidence is small. Grindal's manuscripts provide evidence for the whole province in 1571, while there is extant evidence for the parishes of the diocese of Chester in 1581.

We are warranted from this summary in concluding that during the entire reign the ecclesiastical authorities attempted to enforce the section of the Act of Uniformity which dealt with fines. I wish to draw attention to the methods and to the dates. The former left no opportunity open to the churchwardens to plead that they did not know their duties. They took an oath which defined them. They heard the royal injunctions of 1559 read quarterly in their churches. Among the 'furniture' of their parish churches which they had to provide were the Advertisements of 1566, which enjoined the levying of fines in clear-cut terms. As often as not they had their attention drawn to this duty every Sunday at morning and evening prayer. The dates are interesting. Quite apart from the well-marked 'religious crises'

of the reign and from the penalties under the penal acts which were the outcome of these crises, we find that there was no inclination to drop such attempts at enforcing the twelve-penny fine as these documents illustrate. I think, too, I may go further and say that, considering the uniformity of procedure and attempts provided by this evidence, we may infer that had we similar documents for visitations which we know took place, we should find additional support for ecclesiastical activity in connexion with these fines.

In conclusion, there remains the obvious and difficult question, did the visitations prove successful in enforcing fines? To that question I am not in a position to give anything like a complete answer, as such an answer would mean a closer examination of parochial and archidiaconal records throughout England than I can ever hope to accomplish. That there was plenty of recusancy the visitation documents prove. That the twelve-penny forfeitures were demanded we know from several sources. For example, the *detecta* and *comperta* of visitations among the archdeacons' manuscripts in London, Lambeth, Ely, and Canterbury, afford some evidence of diligence. But the archdeacons' manuscripts are so abundant and are so scattered—not only in many collections but among all kinds of miscellaneous documents—that they would require very wide and patient research. With churchwardens' accounts I am unfamiliar—at least, broadly speaking—but they might provide evidence. In printed and edited documents evidence is forthcoming. For example, I have noted evidence in *Ecclesiastical Proceedings of Bishop Barnes* (Surtees Society, 22); in Hale's *Precedents in Criminal Cases from the Act Books of the Ecclesiastical Courts of London* (1847); in Glassock's *Records of St. Michael's, Bishop's Stortford* (1882); in *Yorkshire Archaeological Journal*, xviii (Visitations of the Deanery of York); in *Lancashire and Cheshire Antiquarian Society Transactions*, xiii (Visitations of Manchester Deanery, 1592); in *Norfolk and Norwich Archaeological Society*, xiii; in *Archæologia Cantiana*, xxv, xxvi, xxvii. Some of the records are characteristic: 'Rec^d of defaultes for absence' [nine names, 12*d.* each]. 'Rec^d for absens. but not distrib^d. It shalbe shortlie.' 'They were absent from mornynge prayer on Saint Thomas day last past, & wold not pay their fyne. Ordered to pay each 12*d.* to the poor, to do penance.' From my small experience with the sources from which these published documents are drawn and from these published documents, I think there is some evidence forthcoming, which I believe would be augmented by a full and complete working of the materials. I am certain that there were plenty of dealings if only we could get the evidence collected, for even a superficial acquaintance with

the records of Elizabethan ecclesiastical courts is sufficient to prove that the churchwardens were not permitted as a general rule to neglect their duties. There are records of favouritism, of neglect, of gross breaches of faith; but the long hand of the law reached out far, and there was a wholesome dread of excommunication for contempt of court, as it brought with it not merely religious disabilities but social ostracism. The evidence that the churchwardens were well disciplined is too well known to need repetition here.

To sum up, I think we are justified in saying that there is sufficient evidence extant to permit the conclusion that the twelve-penny fine under the Act of Uniformity was regularly enforced throughout Elizabeth's reign, and that it seems to have been the normal method of proceeding against the ordinary catholic and puritan recusants. The visitation documents prove that uniform attempts were made to enforce it, and in every collection of visitation *detecta* and *comperta* which I have examined there are records of actual proceedings in connexion with it. As is well known, at the close of the reign this fine was commonly included among the parochial resources in contemporary proposals for the provision of poor relief, and that at a time when the enormous fines under later penal acts were being farmed in the interests of national finance.

W. P. M. KENNEDY.

Ostend in 1587

IN 1587, when Ostend was in the hands of Netherlanders and English, and guarded the North Sea, the States took no steps to strengthen her defences, and the English seemed doubtful if she was worth a garrison. The following state paper, written about that time, discusses the question, and gives an estimate of the garrison and munitions thought necessary should the town be retained. It is printed from the Cotton MS., Galba C. xi, fo. 105.

V. F. BOYSON.

Considerations proposed to deliberation concerning Ostend and her Ma^{tie} Forces there

The state therof is to be presented vnto them as yt now standeth, destitute of money and victualls, and is certified by divers letters addressed from the Gouvernour there, both which wants no garrison or men of warre can sustaine. Yt is subiect in hard weather to surprise, by which occasion yf yt should be loste, or, for the wants afforementioned, loste or compounded for, we loose manie brave Souldiers . . . and loose the meanwhile, for these defects, the hartes of our owne countreyemen in geving such hart and heade to th enemy.

To remedie these her Matie may please to consider whether she meane to keepe yt as a place from whence she may (purposing to make an offensive warre) inuade Flaunders and those parts, or else vse yt as a port towne, a place of traffique, and roade for shippes; for which of these purposes soeuer yt shall please her to keepe yt she must still furnish yt, being a frontier, as she may neyther incurre daunger nor dishonour.

For the First vse. Besides a strong garrison to be royally mayntained and a great Magasin for those of the Towne as is hereafter computed, Yt shalbe needfull to have prouided a masse of victuall for the campe, according to the nombre that shalbe employed (yf ther shalbe anie occasione) because the windes are not alwayes fauourable, and the army marching haue no other back or refuge.

There must be also a conuenient store of caryages fitt for such an armie because the countray thereabouts yeald but few and ther is sufficient experience of the States supply.

Also ther must be a necessary store of all kind of Ingin for pioning, aswel for defence of the Towne as for marching. Furthermore that yt may please her Maty in resolution hereof to haue consideration of the charge that shalbe needfull, conferring th one with th other according to th estimate hereafter declared proportionable for the garrison for six moneths, at the least rate of men, and yet in as meane sorte as they may attend a siege which is dayly threatened by the Dukes Forces thereabouts.

An Estimate of Magasin Needfull for six moneths for 1200 men which is about the nombre there now present:

| | |
|---|-----------------------|
| Bread corne | 82 lasts ¹ |
| Bear corne | ” ” |
| Cheese | 36000 ti |
| Cannon powldre | 20000 ti |
| Fine powldre | 4000 ti |
| Match | 14000 ti |
| Balles of diuers sortes | 7000 ti |
| Spades and Shovells | 1000 |
| Hand baskets | 1000 |
| Seacoles | 200 chald. |
| Double Furnishment of caryages and wheeles for
artillerij. | |

Like Furnishment of Ladles and rammers.

For the 2nd vse. The former reasons of manning Fortifyng and Furnishing must needes be graunted, so that also ryseth another charge as new Channells, replace of sluces, seabanks, and water Fortifications, which by estimate cannot cost lesse than £3000. And a present masse of Tymber must be had with other necessaries to continue the repaire of the same, which the revenues of the Towne will hardly mayntayne, by reason that they want the contribution of Flaunders, a greate parte wherof hath heretofore bene assured to them. But yf her Matie intend neyther of these but onelie to keepe yt defensiuely I leaue yt to judgment whether

¹ A last is 80 English bushels.

yt were better then if the countrey should be subiect to the hazards, necessities, and shame of such a place which being as it is (without greater providence) is not defensible against the waters much lesse against so mighty an enemy.

I will not produce the small advauntage her Ma^{ty} hath by yt, or disadvauntage geven to th enemy considering the places within land and marine townes of theirs adioyning to them, wherby yt hath bene experienced what smalle harmes they haue receyved and what damage they haue done to us.

Herevpon yt may be said that yf yt were rased yt were of no grete importance. Yf yt should so be thought goode yt followeth that to the best advauntage yt maie be done by breaking the sluices and cutting up the piles therby utterly to ruine both the towne and harbor, which with a million can not be recovered.

Yf yt shalbe demaunded how her Ma^{ties} forces now garrison there may be employed. Yt may be aunswered,

First that they shalbe alwayes ready to reinforce the cautionarie places vpon all occasions.

Secondly where anie occasion is offered to make head to th enemy eyther to affront them or by diversion, and tho they be no nombre competent in themselues, yet with our associates they will bee most easely be made vp.

Thirdly her Ma^{ty} shall the better hold her contract with the States who oftentimes urge that her Ma^{ty} hath not a Souldier to goe to the warres which may be spared from their garrisons.

Fourthly they may be easily victualled and purchase better their Forrage, being well ledde in the Field, then in a Towne which is subiect to more dishonour and losse. For yt is better to haue so many slaine in battaille then to haue them dye of Famyne and loose a Towne to boot. . . . To conclude, what Course shall seeme good to others to direct shalbe most agreable to vs on this syde to follow; hauing onlie conceiued this advertisement vpon th imminent daunger and dishonor that through want and misfortune we haue of late (in th opinion of the enemy) bene subiect to. Otherwise we warre for the Cause, and follow peace, as the Catholiques doe reformed religion, for the princes sake; yet wishing as we may still hold the sword in our handes, that our conditions be not too base for the greatnes of the Cause, and the person that mannageth yt, wherin tho ther be wonderfull assurance of all Wisdome agreable to the care of such in action, yet this extreame meanes reason (namely the violence of the sword) is not to be laid down vntill yt be throughly compounded (as is best knownen to your Lordships).

Reviews of Books

The Domnach Airgid. By E. C. R. ARMSTRONG, F.S.A., M.R.I.A., and the Rev. H. J. LAWLOR, D.D., Litt.D. (*Proceedings of the Royal Irish Academy*, vol. xxxiv (C), no. 7. Dublin, 1918.)

THE shrine which forms the subject of this paper was found about the beginning of the last century in the possession of an old woman in Fermanagh. It was then known to the peasantry as the 'Dona' (*Domnach*), and there were oral traditions about its origin and its wanderings in the seventeenth century, some certainly incorrect, others as yet unverified. It was supposed to contain a lock of the Virgin's hair, but when opened an ancient mutilated manuscript of the Gospels was alone found in it. The shrine, which was afterwards acquired by the Academy, was described by Dr. Petrie in a paper in which he referred to two documents: (1) a passage in the Tripartite Life of St. Patrick (c. eleventh century) according to which St. Patrick gave the 'domnach airgit' to St. MacCairthinn when establishing him as bishop in Clogher; (2) a similar passage in the Life of St. MacCairthinn (*Codex Salmanticensis*, fourteenth century), except that here the object given is called simply a *scrinium*, and is stated to have contained some relics of the apostles, some of the Virgin's hair, parts of the holy cross and sepulchre, and other holy relics. Petrie accepted this ancient tradition in essentials, applied it to the shrine before him, and argued that the Domnach Airgid was brought to Ireland by St. Patrick, and was originally intended as a book-shrine for the preservation of the manuscript found in it.

Mr. Armstrong now gives a minute description of the shrine, which with the help of the photographic illustrations supplied enables the reader to obtain a good idea of the appearance of the various casings. It consists in the first place of a plain box of yew-wood of uncertain date. This box was covered with bronze metal plates, of which three survive, ornamented with interlaced patterns of probably the eighth century. These had been coated with a white metal, now found to be tin and not silver, as was at first supposed. To this casing was afterwards added or substituted, on the front, a representation of the crucifixion surrounded by four silver-gilt panels containing figures of saints. On the upper rim is an inscription in Lombardic lettering, viz.: *Johs O Karbri Comorbanus S. Tig̃naciĩ p̃misit.* As the death of John O' Cairbri, successor of St. Tigernach at Clones, is recorded in 1353, this inscription gives an approximate date to parts of the present shrine and indicates a connexion with Clones. The back of the shrine is a bronze plate to which a copper-gilt cross is riveted. On this cross is an inscription in black letter, which Petrie, while acknowledging inability to read the whole, thought ended with the place-name Clochar (Clogher). It has now, however, been satisfactorily deciphered and found to consist of the names of the 'Magi', divided by the monogram *ih̃c*. It

should probably be assigned to the fifteenth century. On the top of the shrine over the bronze plate is a still later addition, ascribed by Mr. Armstrong to the sixteenth century.

Dr. Lawlor tells all that is known of the history of the shrine, which, with Petrie, he here assumes to be the Domnach Airgid, and analyses the traditions concerning it. Controverting Petrie, he argues that it could not have belonged to St. Patrick, that it was a reliquary, not a book-shrine, and that down to the sixteenth century it was preserved at Clogher, not at Clones. He adduces some fresh evidence from fragments of the Registry of Clogher compiled in 1525, which he has recently edited. Here there is a memorandum to the effect that Matthew MacCathasaigh, bishop of Clogher, in the year 1308 placed some relics of two saints *in scrinio magno beati Makartini*, which shrine in the same passage is called 'Domnach Airgid'. It is impossible here to do justice to Dr. Lawlor's arguments, which, as regards the Domnach Airgid, are cogent enough; but his theory affords no adequate account for the presence of the Gospel book in the shrine when opened, or for the absence of the relics—if we except what may possibly have been passed off as a piece of the holy cross found behind one of the crystals—stated to have been preserved in the Domnach Airgid.

When this paper was read Professor Macalister put a new complexion on the problem by propounding a different theory, which he has briefly committed to writing and is appended to the paper together with a reply from Dr. Lawlor. He disputes in effect the identity of the existing shrine with the Domnach Airgid. He argues that the facts point to two shrines: the Domnach Airgid, a reliquary formerly preserved at Clogher, but now lost, and the Academy shrine which, as the inscription indicates, belonged to Clones. To this Clones shrine no authentic tradition attaches, but 'after the disappearance of the Clogher shrine the popular traditions with regard to its relics became attached to the Clones shrine and its then unknown contents.' He suggests that the book found in the Clones shrine, 'a crushed illegible fragment', belonged, or was supposed to have belonged to some saint connected with Clones, probably to the founder Tigernach himself; that it was used for a long time as a wonder-working relic and maltreated in various ways; and that after it had thus suffered serious injury and was useless for study it was sealed up as a relic in the bronze-casing, to which long afterwards the silver outer case was added. Not till this was done could it, he says, be called Domnach Airgid.

Dr. Macalister's hypothesis thus briefly indicated seems to account for all the facts, and his arguments are not seriously weakened by Dr. Lawlor's reply. It must be conceded to Dr. Lawlor that the outer appearance of the tin-coated bronze plates might be enough to account for the epithet *airgid* ('of silver') popularly applied, but against this it may be observed that the epithet was still applied to the Clogher shrine as late as 1525, when for nearly two centuries *the appearance* of the Academy shrine would no longer have warranted it. Dr. Lawlor dwells on the fact that the word Domnach, so far as is known, has been applied only to these two shrines, and sees in this fact an argument (not very convincing) for their identity. But I venture to suggest that the early use of this term as applied to the Clogher shrine points unmistakably to a shrine of a different form from

the Academy shrine. *Domnach* (*dominica*) was commonly used in early times to denote a church: *aedis dominica*, 'the Lord's House' or 'Temple'. When, therefore, in the eleventh century or earlier it was applied to a shrine, it must surely have been to the well-known church-shaped variety, of which there are several examples, all of which are generally regarded as reliquaries. The appropriateness of this form for the 'corporal relics' of saints is obvious. The close resemblance in form of this variety of shrine to the representation of the Temple of Jerusalem in the Book of Kells has been noted.¹ 'Domnach Airgid' would then have much the same connotation as *Templum Argenteum*, and could not with propriety be applied to the Academy shrine, which is a rectangular box-shaped shrine and should be classed with the 'cumdachs' or book-shrines. Characteristic of these is also the adoption of a cross as the base of the design. The fact that the term *Domnach* was actually applied to the box-shaped Academy shrine by recent oral tradition is a further indication of the soundness of Dr. Macalister's view that the tradition was really transferred from the Clogher shrine—at a time, we may add, when this early use of the word *Domnach* was forgotten. It is still used for 'Sunday', *dies dominica*.

Conjectures founded on the supposed kernel of truth in unverified popular traditions, which are manifestly false in part, seldom lead to an assured result. Perhaps expert palaeographers may yet be able to date the illegible fragment of the gospels, and its date may have an important bearing on the problem, but no hypothesis as to the shrine can be deemed satisfactory which does not take into account its form and the presence of the book found in it when opened nearly a century ago.

GODDARD H. ORPEN.

Vetus Liber Archidiaconi Eliensis. Edited by the Rev. C. L. FELTOE and E. H. MINNS. (Cambridge: Deighton, Bell & Co., 1917.)

In this book the Cambridge Antiquarian Society has provided ecclesiastical antiquaries with a mine where they can work for many years. It contains a list of the churches of the deaneries of Cambridge, Camps, Chesterton, Barton, Shingay, Wisbeach, Bourne, and Ely, drawn up apparently in 1277, stating the amount of the synodals, the procurations, and the Peter's pence that was paid by each church, and the books, vestments, and ornaments that each contained. The books mentioned are *missale*, *graduale*, *antiphonarium*, *psalterium*, *manuale*, *troparium*, *legenda*, *martilogium*, *ordinale*, *epistolare*, *hymnarium*, *processionarium*, *portiforium*, and *homelie*; all churches had the first five of these, and nearly all had the next two as well; very few had the last four. Evidently some churches had a more elaborate service than others and required more than one copy of books for the choir. The vestments are 'a set of vestments with pertinences', surplice, rochet, cope, dalmatic (generally spelt *almatic*), and tunicle; all churches had the mass vestment and most of them had surplices and rochets; not many had the last three. The ornaments or furniture of the church

¹ See Romilly Allen's *Celtic Art in Pagan and Christian Times*, p. 210. If the shrine fished up from Lough Erne, there illustrated, was ever coated with white metal, it would suit very well for the lost Clogher shrine.

were chalice (with paten), phials, chrismatory, pyx, thurible, processional cross, font with lock, Lenten veil, frontals, banners, and occasionally a *tabula depicta*. In some inventories corporals and towels are mentioned; in the cases where they are not mentioned, they must have been reckoned among the pertinences of the vestments. In some churches there is mention of the *velum templi*, which the editor shows to be identical with the *velum quadragesimale*; it was suspended at the chancel arch during Lent and was allowed to fall on Wednesday in Holy Week when the words of the Gospel were reached 'the veil of the Temple was rent in twain'. This series of inventories is unique. There is a similar and even finer book at Norwich, which is said to embrace 800 churches; some specimens were published sixty years ago in *Norfolk Archaeology*, vol. v; but it is not of such an early date as the Ely book. The careful editing of the manuscript deserves mention; not only have the original lists been printed but also the additions subsequently made by archdeacons or their officials, and Mr. Minns dates these additions by the handwriting. He distinguishes as many as twenty different writings, but to be on the safe side he assigns them to six correctors; and the page of the manuscript which is reproduced in facsimile shows that the hands are clearly distinct. These additions show how the ornaments of the churches increased with the process of time, and sometimes they contain the name of the man who gave a book or vestment.

The volume is also valuable because it contains some of the chief documents about the *magister glomerie*, an official peculiar to Cambridge. The decision of Bishop Hugh (pp. 20-4) defining the position of the Master of Glomery, has often been printed; but it is convenient to have in addition the entries of the oath taken by eight different masters of Glomery. It is now recognized that Glomery is another form of the word Grammary, and the Master of Glomery was selected for his *artis grammaticæ experientia* (p. 202); he was chosen by the archdeacon of Ely, who also 'conferred' on him the *scole grammaticales* or *scole glomerie*, which the late Mr. J. W. Clark identified with the *scola glomerie* in Glomery Lane, which was part of the site of King's College. Those under his charge were called *glomerelli*, which the editor renders 'grammar boys'; no doubt many of them were boys, but some must have been of age and able to go to law; for one of the points that Bishop Hugh decides is in what court a case should be tried if a *glomerellus* goes to law with a scholar or a townsman. In the former instance he decides that it should be tried in the chancellor's court; in the latter, in the court of the Master of Glomery. Possibly the masters who gave instruction in grammar were also among the *glomerelli*; for the bishop mentions that a *glomerellus* might be sued 'de pensionibus domorum per magistros et burgenses taxatarum'; and in the fourteenth and fifteenth centuries only a master of arts, or occasionally a bachelor, might deposit caution for such a house; but perhaps the rule was different in the thirteenth century. The *glomerelli* were not members of the university; they were on a lower plane of education. The word occurs in a well-known passage in the French poem called the *Battle of the Seven Arts* (edited by L. J. Paetow); the university of Paris, devoted to logic, and the university of Orleans, devoted to the classics, are at variance; Orleans sneers at Paris as being given to the study of quibbling; Paris replies that the clerks

of Orleans are *glomeriaus* 'mere grammar-ers'. There was nothing at Oxford like the *magister glomerie*, i. e. no individual appointed by the archdeacon and with a jurisdiction distinct from the chancellor's; but we read in several of the statutes that there were two masters of arts who had the superintendence or supervision of the grammar schools in Oxford and received a salary for their pains. As early as 1322 Nicholas de Tingewick (the doctor who is mentioned on p. 17 of the book of the archdeacon of Ely) gave two houses to the university of Oxford to provide a salary of four marks for two masters 'regents in the dialectic art who should supervise the grammar schools for the good of the boys who study grammar'.

There are a few misreadings in the text. On p. 3, l. 5 *substinend'* should be *substituendi*, and *clam[iis]* is probably *clausulis*. At the end of Bishop Hugh's judgement (p. 23) *imitandi* should be *mutandi*; in several small points the version differs from that given by Dean Peacock in his *Observations on the Statutes of the University*, App. A, p. xxxiv, but probably the present text is the more accurate. On p. 173, l. 23 *repet[endis]* is probably *reparetur*; on p. 174, l. 25 and again p. 176, l. 19 *iure perhibiturus* should be *iuri pariturus*, and p. 177, l. 17 *perhibeant* should be *pareant*; on p. 178, l. 15 in the phrase 'penitenciam IIII f... m.' the missing word is *fustigationum*, and the sentence should probably run 'Cum nos W. de T. pro suis delictis notorie commissis coram iudicavimus penitenciam IIII fustigationum'; ('since we have publicly adjudged to W. de T. a penance of being whipped four times round the church', &c.); it is the form of letter that the archdeacon would send to an incumbent whose parishioner would not take his beating patiently.

H. E. SALTER.

Registrum Iohannis de Pontissara, 1282-1304. Parts ii-v. Edited by
CECIL DEEDES, M.A. (Canterbury and York Society.)

THE register of John of Pontoise, bishop of Winchester, is the earliest of the series for that diocese. It is impressive from its bulk if from no other cause. The manuscript, which includes a small fragment of an earlier book, fills 226 folios. The published text, of which we noticed the first part some years ago,¹ is still only half way to completion, although the five parts issued between 1913 and 1917 contain more than 450 pages. The editor of so comprehensive a record has no easy task. Apart from obvious technical difficulties, he feels an obligation to give his reader a clue in the labyrinth, to indicate what sort of material the work contains, whereabouts it is to be looked for, and how it may be checked and supplemented. Mr. Deedes has prefixed to part iv an introduction of 115 pages intended to meet these requirements. He has described the manuscript, given a life of the bishop, called attention to a large number of the subjects with which the register deals, and translated a good many extracts. He has done all this not only patiently and minutely, but with evident savour and appreciation. Not every reader, however, will agree with the principle of selection the editor has followed, and all readers must cavil somewhat at his disorderly arrangement. Subjects are begun, laid down, and resumed. The translation of 'Pontissara', for example, crops up

¹ *Ante*. vol. xxix. 186.

on pp. vi, x, and cxii. On p. cix are inserted four pages of ' matters to be stated as supplementary to what has gone before ', some of which could have been dealt with far more appropriately at an earlier point, when the subjects to which they refer were being discussed. It is doubtful whether it was worth while to make so many translations of documents quoted from the register, especially of any so well known as the writ summoning the bishops to the parliament of 1295. The footnotes are open to some criticism. Surely contemporary authorities might be cited for information about riots in London in 1267, rather than Stow's *Annals* (p. cx), and in the same way the ill-treatment of Jews in the thirteenth century is recorded in sources more primary than Haydn's *Dictionary of Dates* (p. lxix). The plan of the series may authorize notes sending the reader to well-known works of reference such as Lingard, Milman, and Gibbon, but no learned society should permit even humorous reference to anecdotes told in the *Daily Mirror* (p. cxiii). A slip may be noted on p. xxix, where the house of Austin canons at Christchurch is described as a Benedictine priory.

There is no life of Bishop John of Pontoise in the *Dictionary of National Biography*. Yet the life is worth writing, not because its subject was a man of exceptional parts, but for precisely the reverse reason. John was comparatively obscure, well-trained, practised by years of experience, pushed almost by accident into a position of great dignity and responsibility, for which he proved to be quite adequate. There were many similar men in his time and among his actual acquaintance. It was through men of this type, indeed, that medieval machinery was able to perform its functions: and it is by observation of the type, rather than of the exception, that a true vision of the middle ages is to be gained.

John of Pontoise was an Englishman, probably a Devonian, but at the moment when he was appointed bishop he had been for some years resident in Italy, and was lecturing in civil law at Modena. Edward I had desired the vacant see of Winchester for his scandalous and invaluable chancellor, Robert Burnell, and the chapter had actually been induced to make that choice. Their election was quashed by the Pope, so also was a second, and John of Pontoise came in by papal nomination as an unexpected third. It was not under the most favourable auspices, therefore, that the new bishop came into contact with Edward I, though if the king had kept up grudges against all the successful candidates who defeated his constant efforts on Burnell's behalf, he would have had few friends left. An additional grievance was created when the bishop refused to give Crondall rectory to Queen Eleanor's Spanish physician. However, within four years of Bishop John's appointment, early friction was smoothed over, and the king began to use him for missions of trust of all sorts. From 1285 onwards the calendars of patent and close rolls are full of references to his activities in Scotland, France, and elsewhere. Mr. Deedes makes no reference to these sources. This leads him to overlook one of the most important posts the bishop ever held. In 1289 John was appointed as one of the two prelates in a commission of seven persons set up ' ad audiendum gravamina et iniurias si que per ministros illata fuerint quibuscunque personis regni '. The other was Robert Burnell himself. Thus the former rivals were brought into juxtaposition on a board com-

posed of picked men trusted to unravel a grave official scandal. We know, too, from the Assize Rolls containing the record of the trials, that although the appointment did not necessarily imply continuous personal attendance, the bishop did actually sit to hear cases during 1290 and 1291. Honour though it was, it was a very delicate and irksome business.

The register gives abundant illustration of Bishop John's activities in his diocese, but not much material for discerning his personality. The formal phrases of recommendation used by Archbishop Peckham are not evidence of much value. John's own letters, even if he wrote them himself, have too strong a resemblance to many others of the same period to justify many personal inferences. Possibly the best quarter in which his individuality may be discerned is in his crowning work of charity. At a moment when the private benefactor was very generally following the royal lead in singling out the mendicant orders for special devotion, Bishop John chose to found a collegiate chapel, served by seven chaplains and six clerks in holy orders. The dedication was a trifle unusual. The chief altar was allotted to St. Elizabeth of Hungary, while St. Stephen, St. Lawrence, St. Edmund the King, and Blessed Thomas of Canterbury shared between them two minor altars. In other respects, however, Bishop John's foundation had no particular novelty, but closely followed the rules laid down by two Isle of Wight rectors when in 1275 they founded an oratory at Barton. An *inspeximus* of their letters is printed in the register (pp. 335-43), and gives on the whole a better text than the only one hitherto accessible in print, published by Mr. Kirby in *Archaeologia*, lii. 297-314. There are, however, rather large omissions in the former as compared with the latter. The register is full of information of a bearing wider than the diocese of Winchester. The original compilers followed some sort of method, the result of which is that the register falls roughly into four sections, each chronologically arranged. Collations, inductions, &c., fill the first 47 folios. The last section, between folio 189 and folio 226, is concerned with litigation. The intervening parts cover practically every other aspect of the bishop's activities. Section 3 (folio 48 to folio 94) contains synodal statutes, monastic visitations, and a large number of letters to individuals and communities. Section 4 (folio 94 to folio 189) concerns the temporalities of the see and the bishop's public business, and is probably, for the general reader, the most interesting part of the register. Its publication begins with the latest printed part issued, but most of it is still to come. Among its contents are a number of bulls and letters from Pope Boniface VIII, not included among those published in Rymer's *Foedera*. HILDA JOHNSTONE.

Finance and Trade under Edward III. By members of the History School of the University of Manchester. Edited by GEORGE UNWIN, M.A. (Manchester : University Press, 1918.)

THE publication of these studies, written for the most part in 1911 and 1912, is strangely opportune. Once more we are living in a period of war finance, and there is a family likeness between the makeshift expedients of fourteenth-century England, when confronted with the political and economic difficulties of a great war, and our own more scientific efforts

to cope with an unprecedented but inevitable national expenditure. Sumptuary laws and State regulation of wages and prices have no longer their old suggestion of distance in time and space, and we feel ourselves in a mood to regard sympathetically the troubles of our forefathers.

Of the papers included in the volume five were theses by some of Professor Unwin's pupils; one is a solid discussion by Mr. Unwin on the 'Estate of Merchants' and two are lectures by him in a lighter vein. A general introduction sums up the conclusions which he draws from the varied material of the volume. The whole book is an excellent example of what can be done by the organization of historical work. There is some overlapping, of course, but the various writers have usually avoided trenching upon each other's territory. This has its disadvantages since the separate essays lose in breadth by the deliberate omission of points germane to their subjects which are dealt with by other writers, and the student will find it necessary to turn from one to another to obtain a comprehensive view of the economic conditions of the period.

Of Mr. Unwin's two lectures, the first contains a lively sketch of London and London society in the reigns of Henry III and Elizabeth, and illustrates the points that there was, in England at least, no sharp social demarcation between the country gentry and the magnates of the towns, and that the development of town life was due to those voluntary associations—universities, craft guilds, and religious orders—which some historians regard as specially characteristic of continental nations. The second is an ingenious application of the information obtainable from recognizances recorded in the London 'Letter Books' to the determination of the conditions of foreign wholesale and retail trade in the fourteenth century. The local distribution and relative importance of the various trades in London are brought out by Miss Curtis's transcription of the London accounts of Fifteenth and Tenth in 1332 and the essay which accompanies it. This is the only paper in the volume based on original documents, and is specially valuable in interpreting the recognizances with which the previous paper deals. Those on the Bardi and Peruzzi by Mr. Russell and the taxation of wool by Mr. Barnes would both have been more valuable than they are had it been possible for their authors to make full use of the Receipt and Issue Rolls. This is one of the most important tasks which awaits the historian. Neither Sir James Ramsay nor Mr. S. B. Terry has dealt adequately with these rolls, and for a complete account of the finance of the fourteenth century we must wait until a competent accountant can extract from them and from the Enrolled Accounts an intelligible statement of the net receipts and expenditure of the kingdom. Such information as is given by the printed Calendars of Patent and Close Rolls has been made the most of. Unhappily the Fine Rolls, which contain many important financial documents, are still uncalendared for the greater part of the reign of Edward III. The lamented death of Mr. A. E. Bland in the battle of the Somme in 1916 has left work for a successor, both here and in the history of the staple, which will need to be completed before the full financial history of the reign can be written.

Mr. Unwin's own paper upon the 'Estate of Merchants, 1336-65', carries on for the reign of Edward III the work done by Professor

Tout for Edward II, and, being written after the other essays, acts as a cement to bind together the contents of the volume. It exhibits a characteristic trait of its author's method, the careful analysis of the elements of which the so-called 'Estate of Merchants' consisted, with the object of disentangling the respective interests of the various sections. The same method had led to fruitful results in the shorter study of 'London Tradesmen and their Creditors'. In this case the analysis leads to destructive criticism of the traditional financial and commercial policy of Edward III. Mr. Unwin makes out a good case for regarding the measures of the king and parliament respectively as opportunist in the main, rather than the expression of a definite financial policy. This view is much more in keeping with inherent probability and with the historical atmosphere of the period than the view previously held by Dr. Cunningham, and since considerably modified by him. The same subject is continued by Miss Greaves's study of 'Calais under Edward III', which carries on the history of the staple to the end of the reign, and gives a useful account of the organization of the English community in Calais, of which we get an interesting picture at a later date in the 'Cely Papers', which it may be hoped that the Royal Historical Society will some day complete by adding the remaining letters contained in the 'Ancient Correspondence' and a few more of the subsidiary documents in the 'Chancery Miscellanea'. Mr. Sargeant's paper on the 'Wine Trade with Gascony' is also valuable as illustrating the attitude of English merchants to their foreign competitors. It contains a curious slip. The reference to 'murage, pontage and *pannage*' in the city of London should surely be to 'pavage', though it is quite possible that the slip is not Mr. Sargeant's, but that of one of the scribes of the 'Letter Book' or the 'Patent Roll' to which he refers through the medium of their respective 'Calendars'.

There are one or two minor points which claim notice. The list of Calais officials on pp. 349-50 does not seem to have been compared with that in the 'List and Index of Enrolled Accounts', and the account of the Calais Mint might have been supplemented from the figures in the 'Numismatic Chronicle'. There is also some confusion on pp. 286-7, where Bordeaux money is reckoned in 'sols' or 'sous' and Tournois money in 'shillings'. It would have been better to adopt a uniform terminology in both cases. Again, Mr. Unwin's account of the lavatory made for Ramsey Abbey (p. 33) would have been more intelligible had he ventured to translate *clavibus* (*clavifus* is obviously a misprint) as 'taps'.

In conclusion it remains to be said that the whole book contains a great deal of solid and valuable work, and shows how much may be done by the thorough use of printed material, even without the opportunity of research at the Public Record Office.

C. JOHNSON.

Trade and Navigation between Spain and the Indies in the Time of the Hapsburgs. By CLARENCE HENRY HARING, Ph.D. (Cambridge, Massachusetts: Harvard University Press, 1918).

MR. HARING is already well known to students of Spanish-American history as the author of a careful and accurate book on *The Buccaneers in the West*

Indies in the Seventeenth Century. He has now followed up his earlier studies with a work of much wider scope and importance. The subject is a difficult and complicated one, and required for its elucidation the sifting of a great mass of documentary material, both printed and manuscript. Mr. Haring has overcome these difficulties, and has produced a treatise which fully realizes the promise implied in the copious bibliography and in the citations from the various published collections of documents, as well as from manuscripts which Mr. Haring himself has examined in the Archives of the Indies at Seville and in various libraries at Madrid. The result is a minute, thorough, and comprehensive work concerning the system of commerce with the Indies under the Hapsburgs, both in its theoretic intention and in its practical working.

The whole topic has been much obscured in the past by misapprehension and prejudice. There was no excuse for this partiality or ignorance, for the great work of Veitia Linage, *Norte de la Contratación de las Indias Occidentales*, published in 1672, has always been accessible to Spanish-speaking students; and the abridged translation by Captain John Steevens, published in 1702, placed the essential part of it within reach of all. The *Memorias Históricas* of Antuñez y Acevedo, published in 1797, provide a review of the whole subject; and the excellent essay in book vii of Robertson's *History of America* (1777) gives a just and sympathetic summary. Indeed, for the English reader, Robertson's work is now superseded for the first time by the book under review.

Mr. Haring, as he tells us himself, lays special emphasis on the earlier formative period. He traces the gradual evolution of the system of 'Indian' trade, through a series of enactments by the 'Catholic Kings', their grandson Charles, and his son Philip II. Many of these royal ordinances, especially during the generation succeeding Columbus' first voyage, are of an experimental and temporary character, representing phases of policy which were soon to be modified or abandoned. The royal legislators and their advisers were feeling their way in laying down rules to meet complicated and unprecedented conditions; and many of these early cédulas were inspired not by any economic theory, but by a rough and ready common-sense which attempted to make prompt provision for immediate necessities. Such decrees were often withdrawn or altered, to suit practical convenience or modifications of policy. The era of discovery and conquest was necessarily a time of adaptation and experiment; and clearness of vision concerning the Spanish Empire has suffered from the preponderance usually given by historians to that great epoch in the history of the world: in this way the initial period of flux and movement has been made to overshadow the more settled system of the succeeding ages. Moreover, the discrepancy between intention and fact—a discrepancy which is fully brought out by Mr. Haring—is hardly less disconcerting during this earlier period than during the later and more tranquil generations which found official theories to be constantly at variance with actual conditions of life.

Mr. Haring treats these matters in due proportion. He sets forth the official regulations and, so far as they can be ascertained, the actual facts concerning the early period. But the main topic of his book is the

system, which, in its main features, was elaborated about the middle of the sixteenth century, a system which aimed at a Spanish monopoly of trade and settlement, together with the precise regulation of the course of trade between the Peninsula and the Indies. The central feature of that system was the organization of commerce through the 'Plate fleet', or rather through the two fleets—the Flota and the Galleons—which sailed annually from the Guadalquivir or from Cadiz for New Spain and Tierra Firme, laden with European goods, to be exchanged in the great fairs of Jalapa and Portobello for the products of American mines and plantations. The return of the flota and the galleons, with their precious cargo, to San Lucar or Cadiz was the greatest national event in the Spanish calendar, and was a matter of keen interest to all Europe, to governments and chanceries as well as to corsairs, smugglers, and interlopers. The elaborate regulations concerning this course of trade, the system of preparation, supervision, taxation, insurance, and convoy, as well as the multifarious duties of the numerous officials concerned, are fully expounded by Mr. Haring in his exhaustive treatise. Due space is given to the departmental machinery of Spanish economic administration, a subject which has one particularly interesting side in the co-operation between the Casa de Contratación—the official trade department—and the Consulado or chamber of commerce of Seville, an arrangement whereby the merchants themselves were in some degree brought into touch with official administration.

The facts related by Mr. Haring sufficiently prove that considerations of safety were an adequate reason for the organization of trade in great convoys. And, notwithstanding bad seamanship, cumbrous naval architecture, corrupt administration, and great laxity in regard to the rules of armament and defence, the main object of security was in general attained. Single ships, it is true, were often cut off from the convoy by corsairs; but only on three occasions was the whole fleet prevented by enemy action from reaching Spain. If, however, there was considerable reason for the system of great armed convoys, the same thing cannot be said of the regulation which confined the trade with the Indies to a single Spanish port. The monopoly of Seville is one of the curiosities of economic history; and Mr. Haring fully expounds the story of that monopoly, of the long dispute between Seville and Cadiz, and of its final settlement. The effort after rigid monopoly was carried to an absurd extreme in the rule which forbade direct intercourse between Europe and Buenos Aires. The attempt to prevent European goods from reaching the River Plate, except by the preposterously devious route of Panamá and Lima, had the actual effect of putting a premium on contraband and encouraging the activities of Dutch and Portuguese-Brazilian smugglers.

Mr. Haring faithfully pictures the characteristic pedantry which led Spanish officialdom to cover endless folios with a multiplicity of minute regulations, and he exhibits these matters with a certain natural gusto which should be shared by his readers. The orderly completeness, the careful analysis, the clear arrangement, which are found in Spanish semi-official treatises and royal ordinances, must appeal to every student. Indeed, the theoretic system of Spanish imperial administration can be studied with a comprehensive consistency which probably finds no parallel

except in the Roman empire. Yet the heading of one chapter in this book—'Organization versus Efficiency'—is suggestive. The caution enjoined by Mr. Haring, concerning a too implicit reliance on the laws of the Indies as an historical source, may be applied, in more or less degree, to the whole mass of documents which deal with regulations and ordinances: so wide is the gap between theory and practice. Thus, a history of trade regulations has to be balanced and supplemented by a history of evasions and of contraband. All this can be gathered from Mr. Haring's book, although he does not allow himself to be drawn away from his proper economic subject into discursive and picturesque by-paths.

The second promise conveyed in the title of the book is fulfilled by some very interesting chapters dealing with the construction of vessels, seamanship, the study of navigation, and kindred matters; and some very valuable statistical tables are added. Most readers will turn with special interest to the chapter on the precious metals, and they will find their expectations satisfied.

The book is avowedly a treatise on economics, that is to say on one aspect of Spanish administration; and Mr. Haring has avoided historical generalization with a self-restraint which the reader is sometimes disposed to regret. But in the preface he marks out, in a few clear sentences, the proper setting of his subject in the general frame-work of history; and he adds a brief expression of his views concerning the value of Spanish achievements in America.

F. A. KIRKPATRICK.

Old English Scholarship in England from 1566-1800. By ELEANOR N. ADAMS, Professor of English in Oxford College. (New Haven: Yale University Press, 1917.)

THE aim of this book is 'to discuss the beginnings of Old English scholarship, and to trace its progress until it took a recognized place in the scholarly world'. The limits chosen are the publication in 1566 of Archbishop Parker's *Testimonie of Antiquitie*,¹ and the establishment of the Rawlinsonian chair in 1795. The author hopes that her work may 'serve to connect a literary movement of a peculiar kind with the general political, religious, and literary history of England'. Miss Adams may be congratulated on having brought together and arranged much interesting material. Her three chapters deal with successive centuries. She begins by showing that the awakened interest in Old English literature in the sixteenth century was antiquarian and controversial. The Reformers wished to discover in Old English liturgies, homilies, and laws precedents for their own doctrines and practice.² 'The most lasting contribution of the sixteenth century to Old English scholarship', says Miss Adams, 'consisted in the manuscript collections,' and she does full justice to the labours of Leland

¹ On pp. 26, 27, Miss Adams gives reasons for supposing *A Defence of Priests' Marriages* to have been printed in 1567, and not in 1562, the date suggested in the Bodleian and British Museum catalogues. *A Testimonie of Antiquitie* would thus, she argues, be the first example of the use of Anglo-Saxon type. See *Athenaeum*, 31 December, 1910.

² On 25 October, 1833, FitzGerald writes: 'I hear of Kemble lately that he has been making some discoveries in Anglo-Saxon MSS. at Cambridge that, they say, are important to the interests of the church.'

and Bale. An account follows of 'the dominant figure among sixteenth-century "Saxonists"', Matthew Parker, 'who had a great man's genius for making others work', and of Joscelyn,³ Lambarde, and Laurence Nowell.⁴ Four contributions in print are singled out, Aelfric's Homily in *The Testimonie of Antiquitie*, the Anglo-Saxon laws in Lambarde's *Archaionomia*, 1568, *The Fower Gospels*, with a preface by John Foxe, 1571, and King Alfred's translation of the preface to Gregory's *Regula Pastoralis* in Parker's edition of Asser's *Ælfredi Regis Res Gestae*, 1574. The Old English scholarship of the century is briefly characterized as 'uncritical, controversial, and non-academic'.

Chapter ii, treating of the growth of the study in the seventeenth century, describes its gradual absorption by the universities, 'resulting in the foundation of a lecture in the language (by Sir H. Spelman, at Cambridge, 1639) and the publication of a dictionary' (Somner's, Oxford, 1659). It is said to be due to the Elizabethan Society of Antiquaries that the interest in the subject was sustained after Parker's death. Among the seventeenth-century scholars who concerned themselves in varying degrees with Old English are Camden, Verstegan, L'Isle,⁵ Minsheu, the Spelmans, Dugdale, Selden, Somner. Of special interest is the account of Francis Junius, born at Heidelberg of a French father and Flemish mother, 'who gave the world its first purely literary interest in Old English by the publication of Caedmon, 1655'. Of very great importance was 'the profluvium of Saxonists at Oxford', mostly at Queen's and University College, Marshall, Nicolson, Gibson, Thwaites, Christopher Rawlinson, and, above all, Hickes.

'In general,' says Miss Adams, 'the Old English scholarship of the seventeenth century expended itself on the compilation of dictionaries and grammars, and on the historical and legal uses of Old English documents. In addition to these there were made accessible in print the Psalms, Bede, the Anglo-Saxon Chronicle, the Heptateuch, and Boethius. By the end of the century . . . Old English had become a university study, instead of the pastime of antiquaries.'

In considering the contributions to Old English scholarship in the eighteenth century Miss Adams asks why so little advance was made, though students had now a dictionary and grammar, and a catalogue of MSS. She finds an answer in 'the fact that Latin was persistently used as a medium of interpretation'. Among the scholars dealt with in the third chapter a chief place is assigned to the non-juring Bishop Hickes, whose *Institutiones Grammaticae* (1689) and *Thesaurus*⁶ (1705) are described at some length. 'Hickes', writes Miss Adams, 'is responsible for both the

³ On p. 38 Joscelyn is called a Herefordshire man. He was certainly for a time a prebendary of Hereford, but he came from Essex, where he was born and buried. His college is misspelt and wrong dates are given for his Greek and Latin lectureships.

⁴ Nowell is said, p. 39, to have been master of 'a grammar school' at Sutton Coldfield. He was master of the well-known school at which Robert Burton was afterwards a grammar-scholar.

⁵ William L'Isle's date is given by Miss Adams as 1579 ?-1637. If he was born in 1579 the verses by W. L. in *Faerie Queene*, to which she refers, were published when he was about eleven. Miss Adams appears to have copied the *Dictionary of National Biography* without consulting the volume of errata, where she would have found the correction of 1569.

⁶ It might have been noted that this book was studied by Thomas Gray.

faults and the merits of all eighteenth-century English scholarship.' It is especially noted that his study of the various dialects enabled him to recognize that many so-called Old English charters were forgeries. An account is given of Humphrey Wanley and his catalogue of Old English MSS. and printed books that was included in the *Thesaurus*. Other names are William Elstob and his sister, Hearne,⁷ David Wilkins,⁸ Thomas Tanner, Lye, Manning, and Charlett, the master of University College, who was a generous patron of these studies. By the middle of the eighteenth century Old English scholarship was on the wane, and at the end in danger of 'sinking beneath contempt'. It was saved from this fate, Miss Adams thinks, by two circumstances, the appearance of Sharon Turner's *History of the Anglo-Saxons*, which 'roused in the English a new sense of patriotic pride in all the records of that early period', and the inauguration of the chair at Oxford. 'The task of nineteenth-century students was . . . to evolve a scientific basis for the study of Old English.' Appendix i supplies a very interesting selection of letters to illustrate the difficulties and progress of Old English scholarship for its century of greatest activity, 1624-1720. Some are taken (not always quite correctly) from Ellis or Bliss, some are printed directly from the Rawlinson or Ballard MSS. Appendix ii gives extracts from the prefaces of L'Isle and Elizabeth Elstob. In iii we have a well-illustrated history of Anglo-Saxon types, in iv an account of learned societies and libraries in London.

Miss Adams has shown throughout most laudable industry, but her generalizations are at times convenient rather than convincing. Her view of the connexion between Old English studies and 'the peculiar grace and vigour of eighteenth-century prose' calls for proofs. Among such a large number of details slips are inevitable. On pp. 45 and 175 Cooper and the *Dictionary of National Biography* are followed in the statement that the 1605 edition of Parker's *De Antiquitate Britanniae* was printed at Hanover. But 'Hanovia' is Hanau. On p. 59 Meric Casaubon is said to have been born 'about 1599'. His arrival at 10 p.m. on August 14 of that year was recorded by his father at some length.⁹ On p. 187 Ussher appears to be included among Archbishops of Canterbury. It is curious to find Bishop Gibson, p. 76, being 'transferred' to London. 'Prebend' is more than once used for Prebendary. In the chronological table Bentley's *Remarks on a Late Discourse on Freethinking* are placed under 1743. They appeared just thirty years earlier. It is surely misleading to speak, p. 196, of the 'accession' of Frederick I of Prussia in 1701. In some places notes are either inadequate or wanting. If the Pipe Roll mentioned in Wanley's letter on p. 126 is meant to be the earliest specimen, it is known to be of 31 Henry I. It is useless to give the pressmark MS. Seld. Arch. B without adding the Arabic numeral. On p. 119, 'whilst your College is now in trouble' needs a note referring to the famous contest between James II

⁷ Mention of Ernulphus and the *Textus Roffensis* might have suggested a note on the occasion of the most frequently quoted remark in *Tristram Shandy*. See *Mod. Lang. Rev.* xi. 341.

⁸ On p. 102 it is stated that Tanner's *Bibliotheca Britannico-Hibernica* 'was published by Bishop Wilkins in 1748'. Wilkins was no bishop, nor did he actually publish the *Bibliotheca*, if he died in 1745 (p. 99).

⁹ *Ephemerides Isaaci Casauboni*, 1850, i. 183 seq.

and Magdalen College. Misprints are frequent, there being many victims among proper names, especially towards the end of the book: Brown Willis (185), Blockborough in Norfolk (49) for Blackborough, Breckridge (58) for Buckeridge, Justus Lipius (59), Edwardes for Edwardus (79), Lugdivi Bativornii (176), Bœthi (179), Crowel for Nowell (185), Archainomia and Gasgoigne (191), Marsden Moor (193), Lade Jane Grey, *Memories of a Cavalier*, and *Lettres Persaues* (198), Loba's Voyage to Abyssinia, and Lyttleton (Lord Lyttelton is meant) (199), Gotz von Berlichingen (200), Camdem (202), Æfredi, and Standsby (203), *Testamonie of Antiquitie* (204). The Latin is not always of the kind encouraged at the older Oxford: 'in hoc translatione' and 'hac quidem omnia' (28), 'ex variis chronicis . . . desumptse' (38), 'Britannia antiquia' (178), and, p. 54 (in a book printed at a university press!) 'celeberrimae Accademinae Typographic.'

EDWARD BENSLEY.

Lancashire Quarter Sessions Records. Vol. I. Quarter Sessions Rolls, 1590-1606. Edited by JAMES TAIT. (Chetham Society, 1917.)

THIS volume contains in a condensed form the record of the work of the justices of the peace for the county of Lancaster in court of quarter sessions for the years 1590-2 and 1601-6. Few similar records exist of so early a date. In an excellent introduction Professor Tait describes the business, partly judicial, partly administrative, that came before the justices in quarter sessions. The judicial entries relate especially to cases of assault, forcible entry, breach of the game laws, recusancy, and unlawful sports: there is also one instance of an offence against a statute regulating trade, namely, the act 39 Elizabeth c. 10 'against the deceitful Stretching and Tentering of Northern Cloth'. The numerous cases of assault and forcible entry show that the lawlessness for which Lancashire had been notorious in the middle ages still persisted; in 1592 no fewer than 47 cases of forcible entry were presented, whereas in the West Riding of Yorkshire only four cases are recorded in nearly five years. The widespread resistance to the religious changes of Elizabeth's reign is reflected to some extent in the records, but there is only one reference (p. 234) to a seminary priest, and the presentments for non-attendance at church are not very numerous. This is explained by the fact that most of the presentments under the act of 1581 were brought before the justices of assize at Lancaster. Probably the Lancashire justices could not be trusted to deal with recusancy; in the State Papers Domestic for 1591-4 there is a list of 14 of them who were suspected of favouring the Pope. The records throw an interesting light on the debated question of Sunday amusements in Lancashire before the publication of the Book of Sports. For example, 'Margaret Yat, daughter of Christopher Yat, and Constance Eccles alias Higham both of Gosenar spinsters on 12 July 1590 being Sunday at Gosenargh carried rushes to the Church. And William Craven of Clyderowe piper on the same day at Clyderowe piped' (p. 16).

Much can be gathered from the records as to the work of the justices of the peace in local administration. 'Stacks of statutes', as Lambarde says, had been laid upon them since the beginning of the Tudor period.

Incidental references to the working of the Poor Law of 1597 are to be found on the roll of 1601; the constables of Blackburn had not examined beggars and vagrants, and the churchwardens had not met at church to take order about the relief of the poor. At times the justices had to deal with the housing problem: under an act of 1589 cottages might not be built unless four acres of land were laid to each, but licences might be granted to others than substantial agricultural labourers, e. g. a village carpenter or tailor. Permission was once given for two bays of a barn to be converted into a cottage for a man lacking a dwelling-house (p. 260). The act was often evaded by the reception of lodgers or 'inmates'. Among other matters dealt with by the justices were apprenticeship (especially of children chargeable to the parish), licensing of alehouses, control of the purchase of corn by badgers or dealers in time of scarcity, and oversight of the collection of parliamentary taxes. They had also to enforce the maintenance of roads and bridges, no easy task when the juries mostly professed to be ignorant which hundred, parish, &c., was responsible for the repair or rebuilding. Even when a rate had been levied on a definite township, the money was often hard to obtain; nor was personal service given with any more readiness.

The records furnish many details as to the work of the petty constables and surveyors of highways, who were the executive agents of the justices in the townships. The office of petty constable, unpaid and onerous, was so little desired that it was usually taken in strict rotation by house-row. Constables had to collect rates and taxes, take charge of lunatics, arrest offenders, carry out the punishments of whipping-post, stocks, and cucking-stool, and make presentments to the high constables in the hundred, who met about a month before quarter sessions.

Among minor points of interest may be mentioned the survivals of the pre-Reformation calendar. Thus we find Relick Sunday (p. 64), St. Alphege's day (p. 43), St. Luke's day (p. 158), and St. Bartholomew's day (p. 220). Another curious survival is the mention of ox-money, the composition for the provision of oxen for the royal household (pp. 292-3). Of special local interest is the mention of a 'moss-room' (p. 269), from which a husbandman stole six loads of turves, and of the 'gorses' or stacks of gorse near houses, which increased the danger of fire. Useful entries as to prices of various articles are to be found on pp. 248, 258, 261, 265, 273, 280, 286-8, 300. The value of the records to the local genealogist and topographer is obviously very great, and it is to be hoped that before long the Chetham Society may be able to publish under the same able editorship further volumes of the rolls provided with equally good indexes.

CAROLINE A. J. SKEEL.

The Lowland Scots Regiments: their Origin, Character and Services, previous to the Great War of 1914. Edited by the Rt. Hon. Sir HERBERT MAXWELL, Bt. (Glasgow: MacLehose, 1918.)

THIS volume, which has been edited by Sir Herbert Maxwell for the Association of Lowland Scots, tells the story of the Scots Greys, the Scots Guards, the Royal Scots, the Royal Scots Fusiliers, the King's Own Scottish

Borderers, and the Cameronians. The editor has prefixed a useful introduction in which he gives a sketch of the history of military service in Scotland, describes the tactics characteristic of the old Scottish armies, and pleads for a more considerate treatment of the Lowland regiments by the War Office. He remarks on 'the singularly intense disfavour with which service in the army had come to be regarded, certainly in the south and west, and probably in all parts of the Lowlands, until the outbreak of the great war in 1914'. The existence of this prejudice, which 'was swept away when, in August 1914, the drums sounded the point of war', he attributes partly to Covenanted tradition and partly to 'the appalling severity of punishment formerly inflicted' in the army, the memory of which, like the memories of the Killing Time, survived the evil itself. If the new tradition, created before the adoption of conscription in 1916, is to survive, it will be necessary, Sir Herbert Maxwell argues, to place Highland and Lowland regiments on an even footing in the matter of recruiting, and to avoid the delusion that 'all persons whose names begin with "Mac" must be of Highland descent'—an error impossible for any one who knows either the past or the present of Galloway.

The various chapters are contributed by Sir James Balfour Paul, Captain Balfour of Newton Don, Major M. M. Haldane, Lt.-Col. Toogood, Brigadier-General Montagu Wilkinson, and Mr. Andrew Ross. They are all competent, and sometimes more than competent, surveys, written with restraint and sometimes with unnecessary modesty. Colonel Toogood's account of the history of the Royal Scots Fusiliers, for example, scarcely does justice to the remarkable services rendered by a portion of the regiment in the battle of Inkerman, both in holding the barrier in the earlier part of the day, and in bringing the stubborn conflict to its satisfactory conclusion, services which have been fully recognized both by Kinglake and by later writers. A historian less embarrassed by soldierly reluctance to write anything in the nature of boasting would certainly have had more to say about this exploit. The various surveys cover, to some extent, the same ground, but this is not without its advantages. The part played by Scottish regiments in the wars of William III and Marlborough is impressed upon the reader as he finds reference after reference to an aspect of Scottish history which has been largely forgotten. The Scots Greys fought at Schellenberg, Blenheim, Ramillies, and Malplaquet; the Scots Guards at the Boyne, Limerick, Walcourt, Steenkirk, Landen, Namur, Almenara, Saragossa, and Brihuega; the Royal Scots (which has memories of the Thirty Years' War) at Walcourt, Steenkirk, Landen, Namur, Kaiserwerth, Schellenberg, Blenheim, Helixhem, and Ramillies, and in other actions and sieges; and the Scots Fusiliers, the King's Own Scottish Borderers, and the Cameronians have not less distinguished records.

Regimental tradition receives due attention in the volume, and the discussion of the origins of the various regiments is not its least valuable feature. Mr. Andrew Ross, the *Ross Herald*, contributes an important review of the questions concerning the origin of the King's Own Scottish Borderers, and he deals not less effectively with the origin of the Cameronians. It is interesting to read of a survival of the oldest traditions of the last-named regiment. 'Whenever the regiment is in camp or billets the men parade

for divine service with their rifles and, usually, five rounds of ball cartridge. A piquet is sent out and sentries are posted, and not until the officer in charge of the piquet reports "All clear" does the officer commanding the parade inform the clergyman that he may proceed with the service.' The custom is derived from the days of conventicles.

The *Ross Herald* contributes a most valuable chapter on Scottish regiments disbanded between 1660 and the end of the eighteenth century, a topic which has involved considerable research, with most useful results for the history of the British Army. Mr. Alexander Inglis gives a series of regimental marches, with the necessary references to authorities. The book, as a whole, has been admirably planned and most successfully produced, both by the writers and by the publisher. It is a worthy tribute to a great national tradition, and a record which preserves things well worth preserving.

ROBERT S. RAIT.

Documentary History of Yale University under the original Charter of the Collegiate School of Connecticut, 1701-45. Edited by FRANKLIN BOWDITCH DEXTER, Litt.D. (New Haven: Yale University Press, 1916.)

THIS book is a welcome sequel to Dr. Dexter's ten volumes on Yale graduates and officials, and an important contribution to the history of American universities in general. It brings together the more important official records in the archives of the university and the State, and supplements them with a large number of private letters and unofficial documents, all of an earlier date than the present charter of May 1745. The series is remarkably complete, and exhibits with great clearness every stage in the early history of the university. It was founded in 1701, by an act of the general court of the colony of Connecticut, as a collegiate school 'wherein Youth may be instructed in the Arts and Sciences who thorough the blessing of Almighty God may be fitted for Publick employment both in Church and Civil State'. The long controversy about its site was definitely settled in favour of New Haven in 1717; in 1718 it took the name of Yale College to do honour to a benefaction of Elihu Yale, of London, who had made his fortune as governor of Madras and as a governor of the East India Company, and in his old age remembered the country of his birth; and then came twenty-seven years of steady growth, disturbed only by the attempt of a rector to lead this presbyterian college over to episcopalianism. It was a modest benefaction that gave the name to what is now one of the most richly endowed universities in the world—'a Large Box of Books, the Picture & Arms of K. George and two hundred lb. Sterling worth of English Goods, all to the vullue of 800^{lb}, in our money'. There were expectations, it is true, of further favours. Yale's bounty was 'generous', but it was also supposed to be 'growing'. The old man had certainly excellent intentions, though he needed to be reminded of them. He promised in 1721 that 'he would remit 200 lb. Ster^l. per annum during his life, and make a setled annual provision to take place after his death'. He died the same year, leaving a will that was successfully disputed by his sons-in-law. The college received nothing, but it continued to call itself 'Yale College', and seldom has a learned institution

perpetuated the name of a patron at so cheap a price. The one document that we miss is the invalid will. We wish it had been possible for Dr. Dexter to have given some indication of the legacy which was designed for the college.

Few things are more interesting in this volume than the record of gifts for the library. 'Sir Richard Blackmore', says Jeremy Dummer, who may be described as the London agent for the college, 'brought me in his own chariot all his works in four volumes' (p. 58)—that famous chariot to the rumbling of whose wheels his epics had been composed. Isaac Watts sent a donation, and procured from a friend the gift of a pair of globes. Most interesting of all is the connexion of Bishop Berkeley with Yale. In 1730 he sent copies of his own works, the *Principles*, the *Theory*, the *Dialogue*, and inquired if the writings of Hooker and Chillingworth would be accepted by this presbyterian body (p. 285); and three years later he 'further expressed his great generosity and goodness to this College in procuring and sending a very valuable collection of books contained in eight boxes' (p. 305). Such were the beginnings of a library that is now famous for its Elizabethan treasures. Books were not Berkeley's greatest gift. He gave the college his farm at New Port, Rhode Island, in 1732. 'It is my opinion', he wrote, 'that as human learning and the improvements of Reason are of no small use in Religion, so it would very much forward those ends, if some of your students were enabled to subsist longer at their studies, and if by a public tryal and premium an Emulation were inspired into all' (p. 292). It is thus the proud boast of Yale that its first prize or scholarship was endowed by one of the greatest of English philosophers.

Yale is particularly fortunate in possessing so many early records. It is also fortunate in having been able to entrust their publication to so pious a son, and so experienced an editor, as Dr. Dexter.

D. NICHOL SMITH.

Warren-Adams Letters. Vol. i. 1743-77. (Massachusetts Historical Society, 1917.)

WE could have wished for some larger introduction to so important a volume of letters as this than Mr. Worthington Ford's brief prefatory note. Though the majority of the correspondents are well-known persons, as James Otis, John Dickinson, John and Samuel Adams, and James Warren, some others are more obscure, and in any case it would have been helpful to know what part each was playing in the disturbed times and in the great movement which their letters so well illustrate. There is one letter of date 1743, written by the young Otis from college to his father; the remainder belong to the years 1766-77, and are, perhaps without exception, concerned with the struggle with Great Britain. The writers are the strongest adherents of the colonial cause. Though they distinguish between the people of England and the Ministry, and place the blame for the trouble primarily upon the king, who is 'Nerone Neronior', they show no consciousness of any other point of view than their own. They are absorbed in a struggle for what they, both men and women, believe intensely to be the right. The correspondence thus takes us straight to the heart and mind of the extreme section amongst the colonists, of men

who, like James Warren, 'fear nothing now (1775) so much as the small Pox in our army . . . and proposals of a conciliatory nature from England. The first would be dreadful, but the last more so.' Perhaps that is the principal historical value of these letters, though they also give us a good deal of scattered information on the doings of the Continental Congress—'the beauties and sublimities of a Continental Congress'—of which John and Samuel Adams were both members, and of the Massachusetts General Court, and much frank and well-informed comment on persons and events, and some insight into the problems of recruiting for the army and of military and naval administration. With the exception of General Glover, who writes two letters on the retreat from Saratoga (August 1777), none of the writers was actually with the forces, and so far as regards the fighting, the letters reflect only the hopes and fears of the civilians. The two Adamses were generally in Philadelphia, James Warren in Watertown, Boston, or Plymouth, and the general object of the correspondence was the exchange of views and information between friends, though occasional letters contain systematic discussions of problems of government and foreign policy.

Broad issues of the day appear in casual remarks and particular instances. John Adams gives us a curious illustration of the mutual distrust of the colonies. 'The other Colonies', he writes, 'are more fond of sending Men than I expected. . . . They have a Secret Fear, a Jealousy, that New England will soon be full of Veteran Soldiers, and at length conceive Designs unfavourable to the other Colonies.' But if New England was a little distrusted, she was also profoundly respected. 'Whenever the Cause of American Freedom is to be vindicated, I look towards the Province of Massachusetts Bay', writes John Dickinson in 1767. And New England was felt to be in an especial degree 'the object of her (England's) fury'. The military importance of Canada is emphasized in the correspondence. 'The unanimous voice of the Continent is Canada must be ours', writes John Adams in 1776, because from Canada the English 'can inflame all the Indians upon the Continent', as well as pour down Regulars, Canadians, and Indians upon New England; and elsewhere he discusses the delicate problem of its government when conquered. Amongst other military matters referred to it is interesting to note the difficulties the colonists had in getting powder and saltpetre at the beginning of the war, and the feeling that existed between the new army and the militia. And it is worth observing, too, how ill an effect the jobbery of our home politics had on colonial opinion. 'The Ministry, the beggarly prostituted Voters, high and low, have no principles of public Virtue on which we can depend', wrote John Adams in 1774, and it was not his only allusion of the kind. So we get a picture of a group of men, fervent, disinterested, intelligent, hard, determined to resist tyranny, without large views, but strong, and forming the core of the movement which judged and condemned the old colonial policy and broke in pieces our first colonial empire. And the men were ably seconded by the women. Some of the most interesting letters are those of Mercy Warren, Abigail Adams, and Hannah Winthrop. A little artificial in style, they yet bear witness to good education having been within their authors' reach. And in the midst of

revolution the woman's movement raised its head. If a new constitution was to be made the political status of women should be reconsidered. 'We would not hold ourselves bound by any Laws in which we had neither a voice nor representation', threatened Mrs. Adams, half in jest, half in earnest.

The book is well printed, contains some interesting illustrations, and makes available some most valuable historical material. E. A. BENIANS.

Warren Hastings in Bengal, 1772-4. By M. E. MONCKTON JONES. (Oxford Historical and Literary Studies. IX.) (Oxford: Clarendon Press, 1918.)

THIS book is a study of the work of Warren Hastings from 1772 to 1774 when he was Governor of Bengal, before the Regulating Act of Lord North gave him as Governor-General a position of greater dignity and wider nominal powers, but shackled him at the same time with a council of intolerant, vindictive, and impracticable colleagues. It is illustrated by original documents, some printed for the first time, others only accessible in old and voluminous parliamentary reports. It was a piece of work well worth undertaking, and Miss Monckton Jones is on the whole to be heartily congratulated on the skill and ability with which she has performed her task. A very striking merit of the book is its lucidity. It contains a clear and readable account of several obscure and difficult points in the Indian history of the time, the economic conditions of the early English settlements in Bengal, the actual trading methods of the Company, the functions of their native agents, the *banyans*, *gomastahs*, and *dadnis*, and the acquisition of the *Diwani*—'the great stewardship of India' as Burke called it, which in the words of Kaye was 'the greatest step in the progress of Anglo-Indian administration ever made by the Company—the greatest administrative revolution, perhaps, to which Bengal had ever been subjected'. The account of the prosecution and acquittal of Mahomed Reza Khan and Shitab Roy is the best and most complete we have seen of that curious episode. But Miss Monckton Jones has not only a rare faculty in threading her way through a mass of confusing and rather repellent detail; she rises to a fine conception of Hastings's work and aims as a whole, and her noble and well-justified appreciation of his character at the end of the volume loses nothing by the restrained and austere style in which she pays her tribute.

The book is on the whole so good and so likely to become an important authority for the period with which it deals that it is the more necessary to point out certain errors which need correction. On p. 23 there is a mention of 'Thomas Pitt and his fellow deputies in 1714 at the Court of Farrukhsiyar'. This appears to be a confused reference to the embassy of Surman and Stephenson to Delhi in 1714-17. Thomas Pitt had indeed many years before this suggested sending an embassy to the imperial court, but he left India finally in 1709, and had nothing to do with the actual mission. On p. 25 there is a more serious error. We are told that 'under Akbar, Bengal contributed nearly fifteen crores of rupees, or one-sixth of the revenue of the empire'. Now this sum amounts to £15,000,000,

and no good authority sets the total imperial revenue at this time at a higher figure than £17,500,000–£20,000,000. It is obvious, therefore, that Miss Monckton Jones must have misread ‘rupees’ for ‘dams’ in one of her authorities. Fifteen crores of dams would be £3,750,000, which is obviously the correct amount. On p. 55 there is another important mistake in the statement that the Treaty of Allahabad promised to restore Shah Alam to Delhi. That course was indeed suggested by Eyre Coote and others, but Clive would have nothing to do with it. On p. 93 ‘June’ should be read for ‘May’ as the month in which the campaign of Plassey was fought. William Pitt was twenty-four, not twenty-one, as stated on p. 94, when he became Prime Minister. In one or two passages, by an obvious slip, the famous phrase to ‘stand forth as *Divan*’, is wrongly quoted as ‘to start forth’. There is a curious inconsistency on p. 9. We are told in relation to the land revenue that ‘under native rule the limit of extortion was commonly the point of exhaustion, and that only’, while the same page records the statement that ‘under the Mogul empire the ryot’s welfare was carefully cherished and oppression checked’. Certain omissions may also be noticed. On p. 9 it should have been mentioned that Akbar’s original twelve *subahs* were, on his conquest of part of the Deccan before the end of his reign, increased to fifteen. The best authorities, by the way, give the proportion of the produce exacted by Todar Mal as one-third, and not one-fourth as stated on p. 8. On p. 96 it was perhaps worth recording that the deposition of Mir Jafar was largely due to Holwell, who had always been an enemy of the Nawab. Though Clive left for England in February, Vansittart did not arrive from Madras till July, when he found that Holwell, the temporary governor, had practically committed the Company to a second revolution. In regard to the withholding of the tribute from Shah Alam by Hastings (p. 167) it might have been added that, as a matter of fact, it had not been paid since the famine of 1769–70.

The work done by Warren Hastings in these momentous two years was in many ways a magnificent achievement, and Miss Monckton Jones claims with truth that ‘it is in the civil administration set up at this time that the foundations of our system in India were laid’. But there is occasionally apparent in these pages a natural tendency to overrate the personal part of Hastings himself and underrate the support he received from others. In the otherwise admirable account of the controversy as to the inland trade it would hardly appear from the statement on p. 99 that Vansittart himself, attended by Hastings, proceeded to Monghir in November 1762 and negotiated the treaty with Mir Kasim which attempted to afford that ill-used ruler some redress. Hastings, it is true, gave his chief splendid support, but it was, after all, the governor himself who authorized the policy and had to bear the responsibility for it. Again, it hardly seems fair to say of the directors, on p. 220, that it was some years before they saw the need of caring for the ryots’ welfare as plainly as Hastings, when we see that in the dispatch in which they decided ‘to stand forth as *Divan*’, they laid stress on this very point (p. 136). Miss Monckton Jones overestimates, I think, the results Hastings was enabled to achieve in his attempts to purify the civil service of Bengal

He undoubtedly did his best, but, as he said himself (p. 259), there were too many 'sons, cousins, or *élèves* of Directors' among the collectors for him to carry any very drastic reform, and in later years he seems to have more or less acquiesced in a state of things he found it impossible to alter. Certainly the real reform of the civil service had to await the hand of Cornwallis enjoying powers never granted to his predecessors. Cornwallis himself largely apportioned the blame to the directors of this time, 'who knew that these shocking evils existed, but instead of attempting to suppress them, were quarrelling whether their friends or those of Mr. Hastings should enjoy the plunder'.

Perhaps Hastings's one real administrative failure in these two years was the quinquennial settlement of the land revenue in 1772. Failure was no doubt excusable, for some sort of experiment had to be made, and there were insufficient data upon which to go, but to say that 'the fiscal results of this first experiment are well known to have been disappointing' is too mild a statement in view of the revelations made by Mr. F. D. Ascoli in his recent excellent monograph on *The Early Revenue History of Bengal*. 'The adoption of this system', he says, 'was ruinous; not only had the whole collecting agency been abolished, but now even the revenue payers, who had acquired the experience of generations in collecting the rents . . . were discouraged from taking the settlement of estates.' Estates were knocked down to speculators at a revenue which they could not possibly bear. The assessments were excessive. 'The only hope of the new farmers was to extort what they could from the cultivators during the term of the lease, and leave the estate ruined and deserted.'

P. E. ROBERTS.

Tilsit : France et Russie sous le Premier Empire ; la Question de Pologne (1806-9). Par EDOUARD DRIAULT. (Paris : Alcan, 1917.)

THIS volume is a continuation of M. Driault's series of works on the foreign policy of Napoleon; and in particular it supplements the volume *Sebastiani et Gardane (1806-8)*, which dealt with the efforts of Napoleon in the East. The same theme occupies a large portion of this volume, which, however, is more general in scope. After describing the position of the Polish and Turkish questions down to 1806, M. Driault suggests the essential opposition of French and Russian policy in regard to them. France desired to strengthen the Polish barrier; Russia, to weaken or overthrow it: France, to secure an ascendancy in the East Mediterranean, which was incompatible with Russian aims on Constantinople. In passing, we may note that M. Driault (p. 24) considers that de Boigne and other French adventurers in India had a fair chance of success in their challenge to British supremacy, which he pronounces 'fragile'. But surely, after Trafalgar, still more after the British capture of the Cape of Good Hope, any French attempt to oust the British was foredoomed to failure unless it was backed up by a Franco-Russian army far larger than that which Napoleon's imagination early in 1808 conjured up as marching unopposed through Mesopotamia, Persia, and Afghanistan. All such projects, after 1806, appear thoroughly unsound, and I am not convinced that

Napoleon's famous letter of 2 February, 1808, is to be taken seriously. M. Driault quotes it at length (pp. 275-7), and then comments on 'ce mirage oriental'. Certainly the scheme was no less colossal than its execution of lightning celerity: the plan for the partition of the East was to be signed by March 15, and by May the Franco-Russian forces were to be in Asia and the Russians at Stockholm. Can this be taken seriously? Was it not a piece of rodomontade calculated to excite the impressionable brain of Alexander, and lead him on to some more practical scheme of partition of the Near East?

M. Driault describes the scheme by which Austria would absorb Serbia. He also throws new light on the difficulties which even then had arisen between Napoleon and Alexander by quoting some hitherto unedited French dispatches, especially a report of Champagny, dated 22 February, 1808, in which that minister points out that a dispute about the possession of Constantinople must inevitably bring about war between France and Russia. It is clear also that Napoleon approved that report; for thenceforth his instructions to Caulaincourt at Petrograd assumed a very guarded tone, and friction between the two empires became more and more pronounced. What would have happened if the Spanish rising had not taken place it is useless to speculate; but that event placed Napoleon at a grave disadvantage during the imperial interview at Erfurt, and not all his gasconnades could bend the will of Alexander. M. Driault states that Napoleon had no reason to be dissatisfied with the result of the interview, but the postponement of the Eastern Question and the almost defiant attitude of Austria must have irritated him extremely; and his distrust of the Tsar was thenceforth deep-rooted. M. Driault does not endorse the extreme judgements of some writers as to the 'treason' of Talleyrand at Erfurt. He rightly judges that Alexander's change of front was dictated by circumstances, but suggests that Talleyrand supplied the formula for the occasion. To M. Driault's assertion (p. 364) that Talleyrand, in opposing Napoleon at Erfurt, opposed France, I cannot subscribe. For surely the emperor's policy of dominating Europe was so impracticable that a discerning Frenchman was doing his duty in setting limits to it. And why claim 'que la politique de Talleyrand, en prétendant ramener la France au Rhin, la ramena aux frontières de 1792?' It was surely Napoleon's perversity which threw away the chances of preserving the Rhine frontier. Respecting the Treaty of Schönbrunn, M. Driault well says that it was not a peace, and he extends this judgement to all Napoleon's treaties. But that is to pass the severest censure on the emperor's policy. M. Driault repeats (p. 477) the old stories about the continental powers shedding their blood for the behoof of England who paid them to do it; and he adds that she acted only where she could gain something, namely, at Copenhagen, Lisbon, Constantinople, Alexandria, in America, and at Walcheren. But she gained nothing at those places except the Danish fleet. Nor is the Peninsular War fitly described in the statement that it was merely action at Lisbon in order to gain something. Napoleon did wage the campaigns of Eylau, Friedland, and Wagram in order to gain nothing. M. Driault states with pride that in 1809 Napoleon strengthened Poland, chased the Russians from the Mediterranean, formed a French

barrier in Illyria, and pent up Austria as a land-locked state. But whether (apart from the first) these feats were compatible with sound statesmanship, he does not discuss, though he admits that the French thrust towards the East led to the complete overthrow of the balance of power and a definite menace to Russia.

J. HOLLAND ROSE.

Select Constitutional Documents illustrating South African history, 1795-1910.

Edited with an Introduction by G. W. EYBERS, M.A. (London: Routledge, 1918.)

THERE can be no question but that a collection of South African constitutional documents meets a real want; and Mr. Eybers is to be congratulated on the zeal and thoroughness with which he has accomplished his task. The volume is arranged under the separate heads of Cape Colony, Natal, the Orange Free State, the South African Republic, and the Union of South Africa. The documents dealing with the Orange River Free State and the Transvaal are the most interesting and valuable, because they are less accessible. Most of the Free State laws, here printed, are to be found, we are told, nowhere in London except in the South African library collected by the late Mr. S. Mendelssohn. In the Natal section are also contained 'several papers relating to the great Trek which have probably never been seen by anybody alive outside official circles except two or three historians'.

So far as Cape Colony and Natal are concerned, the material is divided into papers relating to the Central Government, Local Government, and the Administration of Justice. Some of the space devoted to the two latter headings might, perhaps, have been more usefully employed in further developing the more general constitutional questions. The portion of the work dealing with the Union is especially disappointing, both in the introduction and in the text. We should have been grateful for a reproduction, in part at least, of Sir G. Grey's suggestive dispatches, of the abortive South African Act of 1876, and of Lord Selborne's impressive Memorandum of 1907, which deserves to take rank as a state paper with Lord Durham's Canada Report. Instead, we are given merely the text of the Union of South Africa Act without note or illustration. In the introduction Mr. Eybers seems mainly interested in claiming the credit of the Union for his Dutch kinsfolk. 'The idea of union was a very familiar one to South Africans when out of the mists of war the new century dawned on them. Up to that time, with the exception of individual men of non-indigenous stock like Sir G. Grey, Lord Carnarvon, and Cecil Rhodes, the movers towards the unification of the white people were, in the main, of Dutch extraction. They joined forces across the Drakensberg in the early years, they amalgamated to the south of the Limpopo, they tried to join hands across the Vaal, they worked for a united Cape Colony from 1836 till 1854, and in 1872 they prevented the splitting up of the Cape. There was very little coercion in these notable achievements, and in no case was the foundation laid in the blood of their fellow-countrymen.'

Mr. Eybers has schooled himself to an attitude of severe and rigid impartiality, and it is only occasionally, as in the words just quoted, that we can gather his private beliefs. Equally suggestive is the account of the

Orange Free State : ' The farming community was spared the disadvantages of the commercial and materialistic spirit which degraded politics and retarded education elsewhere. Its idealism remained unimpaired, and it will be strange if it does not turn out to be the bearer of ideas to the other communities in the present century.' Be this as it may, the reason given for the preference by South Africa of a union to a federation seems not very convincing. It is that the weak points of each of the existing federations were demonstrated, so that a union was resorted to *faute de mieux*. Yet more ingenious is the comment on the claim of the Transvaal Volksraad to prevent the judges from questioning the validity of its resolutions. ' The incident . . . mainly served to bring to light the sound common-sense arrangement of the Constitution. . . . *The absence of a similar provision in the United States Constitution has in past years led to much trouble.*' (Chief Justice Marshall must turn in his grave at this *obiter dictum* on the work of the Supreme Court.)

There are some excellent remarks regarding the extreme individualism of the Dutch South African temperament ; and yet, in summing up the causes of the great Trek, along with ' the unwillingness to be ruled over by a foreign Power ', ' the absolutism of the rule ', ' the loss of their local governing bodies ', and ' the refusal to grant them representative institutions ', are placed at the head of the grievances. Contrast with this the language of the Trekkers themselves. In the manifesto of the Emigrant Farmers, of February 1837, amongst the ten alleged motives for emigrating, there is not a word about the loss of their local system of government or the absence of representative institutions ; and the same thing is true of the more detailed memorial of the Emigrants at Port Natal to the Cape Governor (1839). It must be admitted that in 1842, after mature reflexion on their position in the face of British pretensions, they came to the conclusion that ' all these evils we ascribe to this single cause—the want, namely, of a representative government ' ; but this conclusion seems to have been reached through the special difficulties of the situation.

There is one respect in which the value of the volume might have been improved. Considering the importance of the native question in South African affairs a separate department of the book should have been allocated to this subject. As it is, whilst there is frequent reference to the native question, and whilst the annexations of native territories are adequately dealt with, important legislation (e. g. the Glen Grey Act) remains, unless we are mistaken, unrecorded. It is easy, however, to criticize ; and assuredly no student of imperial politics will wish to part with the volume without once more expressing his recognition of the sterling work of which it is the outcome.

H. E. EGERTON.

Short Notices

M. François Picavet, well known as a learned and zealous investigator of the history of medieval thought, has published in the *Annuaire* of the Section des Sciences religieuses of the École pratique des Hautes Études for the year 1917-18 an essay of some fifty pages on the influence exerted by the philosophy of Plotinus on Christian theology, and especially by his teaching concerning the τρεῖς ἀρχικαὶ ὑποστάσεις upon the development of the doctrine of the Trinity (*Hypostases Plotiniennes et Trinité Chrétienne*, Paris: Imprimerie Nationale, 1917). In it he has called attention to the importance of the subject, and collected a number of interesting quotations in illustration of it; but neither the philosophical discussion of the significance of the theology which issued from the reaction of Neo-Platonism upon Christianity nor the exhibition of the links in the chain of tradition which connects the speculations of the great schoolmen of Latin Christendom with those of Plotinus is carried very far. It would no doubt be unreasonable to expect a fuller treatment of the theme within so small a compass; but M. Picavet might perhaps, by more precisely indicating the purpose and scope of his essay, have avoided seeming to promise something more than he can be said to have performed. C. C. J. W.

Of late years fresh and more intelligent interest has been taken in Christian missions: their whole history along with problems of methods past and present has come under more careful study. The work on *The Conversion of Europe*, by Dr. Charles Henry Robinson, Hon. Canon of Ripon and editorial secretary of the Society for the Propagation of the Gospel in Foreign Parts (London: Longmans, 1917) is one more sign of this new interest. The name of the Society to which the writer belongs, and of the periodical (*East and West*) in which some parts of the book appeared, show this to be the case. Much missionary literature in the past has not aimed at historical completeness or accuracy, and some important fields of investigation have been quite neglected. Dr. Robinson has chosen a good subject, which has great interest in itself: in treating it he has the advantage of many special studies of which the student of missions should be made aware. A good choice of guides for the various parts of such a book is essential; in most cases Dr. Robinson has chosen wisely: the purely missionary student will have a chance of learning much from him even if the historical student might desire to learn even more. But the subject has many difficulties. The Balkan Peninsula, for instance, abounds in traps for the historian as for the politician, and it would be too much to say that the author has avoided them all. A more serious defect is that the bibliographies are not as complete or as much up to date as might be: the student is too often referred to Migne when far better texts should be used. This is the case, for instance, with the Lives and the

Epistles of St. Boniface. In most cases, however, the best (or at any rate very useful) modern writers are referred to. But the later monographs about SS. Cyril and Methodius should have been indicated, although a reference to Professor Bury's latest work would have been enough to safeguard the inquirer. This defect could easily be repaired in a revision of a book which is fortunate in its conception and its subject, and which, within the perhaps inevitable limits of a single volume, is planned upon right lines.

J. P. W.

Signor A. Gaudenzi's dissertation on the monastery of Nonantola, the duchy of Persiceta, and the church of Bologna, which fills almost the whole of nos. 36 and 37 of the *Bullettino dell'Istituto Storico Italiano* (Rome, 1916), contains a critical edition of more than forty documents, the majority—and all the most important—of which were forged at Nonantola between the latter part of the tenth and the thirteenth centuries. Among them, however, is a genuine unpublished bull of Innocent III of 4 July 1209 (doc. xxx). As the spurious documents are arranged not by their professed dates but by the dates at which the editor believes them to have been fabricated, a table of reference, which we do not find, is urgently necessary. Signor Gaudenzi adds the text of a fabulous Nonantulan version of the Life of Hadrian I, written in the eleventh century, of which only extracts have hitherto been printed. Its interest consists in four formulae from the *Liber Diurnus* which it contains: these the editor believes to have been transcribed from a copy in the possession of Hadrian III, which was appropriated by the monks of Nonantola at his death in 885, and which he holds, contrary to Sickel's opinion, to be different from the Vatican MS. of the *Liber*. He then in appendix i explores the probable contents of that pope's travelling library. In appendix ii he discusses the controverted question of the origin of the minuscule hand, which he traces to the schola cantorum at Rome, and inclines to find symptoms of Byzantine influence in its formation. Lastly, in appendix iii he treats of the union of the Exarchate with the kingdom of Italy, and of the literary and legal productions of Ravenna in the ninth and tenth centuries. This learned and important contribution was left unfinished at the author's sudden death on 25 March 1916.

R. L. P.

An Abbot of Vézelay, by Miss Rose Graham (London: Society for Promoting Christian Knowledge, 1918), forms one of a series of 'Studies in Church History' now being published. Thick paper and large type disguise its slightness, yet it is quite adequate for its subject. Why that subject should have been chosen out of countless others, often more picturesque and quite as edifying, for the instruction of the English general reader, it is difficult to guess. The story is common enough; a secular and litigious abbot, a bishop who tries to exercise jurisdiction, a commune aiming at independence, a neighbouring count planning to extend his authority. Miss Graham is an experienced narrator, but she has failed, doubtless through the fault of her materials, to make it very interesting, though she inspires confidence. From the annals of any of our English monasteries she might have drawn scenes identical with this,

But there too she would have found it difficult to connect the spirit of the architecture, of which she gives some excellent photographs, with the temper prevalent among the inmates of the monasteries. E. W. W.

Useful little books on great subjects are of two sorts. Either they are collections of elementary facts, or they condense and generalize the results of wide and deep study. The former kind are school-books; the latter are for readers who, although they may not know much of the theme in hand, have mature and trained minds. Dr. George Burton Adams's *Outline Sketch of English Constitutional History* (New Haven, Connecticut: Yale University Press, 1918) is a favourable specimen of the second class. In a series of brief chapters he sums up all that is most essential in each period of English constitutional history. Details are almost wholly omitted, yet we feel ourselves guided by a scholar who could with far less trouble have written a far more elaborate book. Clearness of style, a true sense of proportion, and a sober historic judgement characterize this outline of the longest and most complex of constitutional histories. One or two petty slips may be noted for correction. Not two but nearly four years elapsed between the outbreak of the Civil War and the king's surrender to the Scots. He did not surrender himself to the Parliament. At the death of Charles II parliament had been intermitted, not for five years, but for rather less than four. F. C. M.

The editor's part in *Sir John Fortescue's Commendation of the Laws of England*, a reprint of the eighteenth-century translation of Francis Grigor (London: Sweet & Maxwell, 1917), is confined to a bibliographical note, not absolutely impeccable in point of accuracy, and to excerpts from Foss's *Judges* and Holdsworth's *History of English Law* by way of biography of the author and appreciation of his work. How far the somewhat antiquated version will be completely intelligible to law students, for whom we suppose it to be intended, without notes or opportunity of comparison with the original Latin, may be matter of doubt. That it stands in need of some revision is amusingly evidenced by the passage in chap. 49, where by a misapprehension of the meaning of *in ferialibus Diebus* the translator makes the students of the Inns of Court and Chancery devote themselves to singing and revels generally in term time and to law out of term. Something of the kind is half-jestingly said of the modern university student with social tastes, but no one will suspect Fortescue of humorous paradox. J. T.

The recent establishment at Madrid of a chair of the History of Social Economy in Spain has led to the initiation of a series of university publications, the first volume of which consists of a selection of *Documentos de Asunto economico correspondientes al Reinado de los Reyes catolicos (1475-1516)* prepared for publication by half a dozen students under the direction of Professor Eduardo Ibarra y Rodriguez (Madrid, 1917). The documents thus edited are drawn from two Madrid collections of manuscripts, and illustrate the leading aspects of the economic policy of Ferdinand and Isabella. The main purpose of the publication is avowedly an educational

one—to train a school of young historians in palaeography and diplomatic ; and the selection makes no claim to be fully representative, as is indicated by the fact that two-thirds of the documents belong to the year 1508. Within the limits thus modestly self-imposed by those responsible, the work seems to be excellently done and to give promise of more ambitious enterprise in the near future. If, however, the labours of the new school are to cast valuable light on the most important subject of the origins of Spanish mercantilism they must be based on a wide comparative study of the published records of Spain, Portugal, and Italy. In this connexion the economic policies of Roger of Sicily and of Charles of Anjou are specially worthy of attention.

G. U.

The War of Chupas, which has been translated and edited by Sir Clements R. Markham, K.C.B. (London : Hakluyt Society, 1918), forms part iv, book ii, of the *Civil Wars of Peru* by Pedro de Cieza de León.

I am weary of trying to comprehend the events which happened in the realm at this time. . . . God is my witness to the vigils I have kept and the little ease I have enjoyed. I only want one reward, that the reader will look upon me as a friend, and will bear in mind the many journeys I have made to investigate the notable events in these realms.

So writes Cieza de León on getting half-way through this section of his voluminous narrative and descriptive work concerning the early history of Peru ; and the reader feels that he is indeed parting from a friend as he closes the work of this admirable story-teller, intelligent eye-witness, patient and conscientious investigator. Moreover, it is with the same feeling of gratitude to a friend, together with an added sense of personal loss, that one takes leave of the editor. The impulsive annotations, the touches of reminiscence in the introduction, the genial voice which one can almost hear, are consonant with the spirit of the old Spanish conquistador. The late president of the Royal Geographical Society translated and edited this narrative at the age of eighty-five, but did not live to revise the proofs. His first work on Peru appeared so long ago as 1856, and down to the moment of his sudden death he was still working, with fresh and vigorous enthusiasm, the same picturesque vein which had been his early choice. The main subject of the present volume is the revolt of the young Almagro ; the murder of the Marquis Francisco Pizarro, 'that great captain who had never tired of discovering kingdoms and conquering provinces' ; the subsequent civil war ; and the defeat of Diego Almagro, with the 'men of Chile' in the battle of Chupas by the captains who followed Vaca de Castro, the royal governor newly sent from Spain. The volume concludes with the appointment of a viceroy and the promulgation of the 'New Laws for the Indies', of which the text is given in full. But not less interesting than the central thread of this tragic story are the long digressions, describing expeditions of conquest and discovery, in one of which Cieza de León had himself taken part.

F. A. K.

Dr. N. Japikse's address entitled *Waardeering van Johan De Witt, Rede uitgesproken op 12 Juni 1918 in pulchri studio* (The Hague : Nijhoff, 1918), gives an appreciation of De Witt, bringing out strongly his sincerity,

capacity, courage, and patriotism. It does not, of course, pretend to give any new information or advance any new view of De Witt. Indeed the picture presented is very much that which Dr. Japikse gives in his excellent *Life of De Witt* which was reviewed by us in January 1917. H. L.

Students of political theory already owe a great debt to Dr. C. E. Vaughan for his edition of Rousseau's *Political Writings*. Dr. Vaughan has added to that debt by producing an edition of the *Contrat Social* (Manchester: University Press, 1918): for this new volume, though it belongs to the series of Modern Language Texts which are meant primarily to serve an educational purpose, does not confine itself within the limits of a schoolbook. It contains a serviceable text and useful notes, together with a bibliography, a valuable introduction, and a suppressed portion of the first draft of the *Contrat Social* printed as an appendix. The introduction adds something to what Dr. Vaughan has previously published in his larger volumes, and the student ought not to neglect it. A fresh attempt is made to throw light on the relation between the individualistic side of Rousseau and its opposite, and two long notes are added, one on the contract theory, making a careful distinction between its use to explain the origin of society and to explain the origin of government, the other on the influence exerted by Rousseau on the successive constitutions of the French Revolution. One important omission occurs. Just as in his large edition Dr. Vaughan pays no attention to the words of Dr. Figgis, so neither does he refer to that author here. The result is unfortunate in two ways. On the historical side Dr. Figgis has done more than any recent writer to make us familiar with the affiliation to one another of the works on political theory written in the later sixteenth and early seventeenth centuries: Dr. Vaughan would have helped the student by suggesting reference, through his bibliography, to places where Dr. Figgis has done this. On the theoretical side, surely the theory of the *communitas communitatum*, which descends from Althus, should have been mentioned. We may well doubt whether Althus is not now exerting a greater influence, through his modern followers, than Rousseau himself; and the main question at issue between them is one which no reader of Rousseau should overlook. P. V. M. B.

A handsome volume published by the Carnegie Endowment for International Peace contains the texts of *The Declaration of Independence*, *The Articles of Confederation*, and *The Constitution of the United States* (New York: Oxford University Press, 1917). It is edited by Mr. James Brown Scott, who contributes a preface dealing specially with the powers of making treaties. The documents are printed without notes, except that particulars are given with respect to the acceptance of the successive Amendments to the Constitution. A very full index to the contents of the Constitution is a valuable addition to this useful book. A.

In *Napoléon Journaliste* (Paris: Plon, 1918) M. A. Pérvier has written an interesting account of Napoleon's personal work in directing and writing to the press, and of his censorship while emperor. The book contains

valuable details as to the three papers he controlled during his campaigns in Italy and Egypt, as to his own numerous contributions to the *Moniteur*, and as to the once famous Peltier case (1803). Napoleon's acute sensitiveness to foreign criticism, to what he described (1805) as 'phantoms born of English fog and spleen', is well known, and he was fantastically careful as to what should or should not be published even with regard to matters of no moment. M. Périevier, while doubtful of the wisdom of Napoleon's rigid censorship, regards him as a writer 'of the first rank' in respect of both style and ideas. The lies and libels, with which the *Moniteur* and other officially inspired papers were filled, are hard to reconcile with such a claim. He was, however, the first statesman in modern Europe to realize the potentialities of newspaper propaganda, and few men have undertaken the task with more astuteness and zeal. G. B. H.

In *La Diplomatie de Guillaume II* (Paris: Bossard, 1917) M. Émile Laloy essays the task of sketching the diplomatic history of the years 1888-1914, especially from the emperor's point of view. It is necessarily based only on printed sources, and those used are of very unequal value. In the first chapter, dealing with the emperor's character, scarcely any use is made of the works of Hinzpeter and Lamprecht on that subject, and review articles are extensively quoted. M. Laloy's good sense leads him to reject (p. 55) the much advertised theory as to the 'encircling' of Germany by Edward VII; he rightly describes it as a series of agreements for ending Britain's differences with France and Russia. He is wrong, however, in ascribing to Reventlow regret that Germany did not join the Anglo-Japanese Alliance of 1902; for Reventlow distinctly says (*Auswärtige Politik*, p. 178) that to do so would have enabled England to check Germany's naval construction, thereby ending her *Flottentraum*. Neither was Schiemann really favourable to the Anglo-German-Japanese Alliance wished for by us and Japan. The emperor's naval plans are here discussed, and the author believes that the German fleet on August 1, 1914, was ready to bombard Havre and Cherbourg and cover a landing at Morlaix for the seizure of Brest. The authority for this statement is M. Georges Blanchon in the *Revue des Deux Mondes*. The question as to the times and circumstances of the mobilizations ordered by the Continental Powers on July 31-August 2, 1914, is well handled according to the evidence now available. M. Laloy is right in stating that the general mobilization of Austria was ordered a few hours before that of Russia. Whether, as he says, Russia did not know of the mobilization at Vienna is doubtful. In an interesting Note (pp. 410-11) he combats the view of M. Muret (*L'Évolution belliqueuse de Guillaume II*) that the emperor was sincerely peaceful but was overcome by the warlike tendencies of the German people. M. Laloy holds that he skilfully posed as the friend of peace but merely awaited the favourable conjuncture for declaring war, which occurred in July-August 1914. There is much to support this contention. J. H. RE.

Sir John Scott Keltie's perseverance in continuing the publication of *The Statesman's Year-Book* (London: Macmillan) during the war claims recognition, and his issue for 1918 is as usual very carefully corrected.

It is not his fault that the statistics he gives are often defective and in many cases antiquated, for much information is naturally unobtainable, and much is for good reason withheld. Among the introductory tables the summaries of recent treaties will be found useful, and the diary of the principal events of the war is continued as late as 27 May of this year.

B.

There are few more difficult literary tasks than to comprise in one small volume an account of English political institutions of every kind, which shall be at once readable and correct. Absolute success is impossible, but Dr. David Duncan Wallace, in his book on *The Government of England, National, Local, Imperial* (New York: Putnams, 1917), has succeeded in large measure. His knowledge is considerable, his arrangement is clear, and his style is easy. He always endeavours to be fair in his judgements. On certain subjects natives and foreigners almost necessarily differ. But Dr. Wallace is generally more inclined to eulogy than many Englishmen would be. His book will tend to correct certain unfounded or exaggerated notions still too common in America. Some errors we must expect. To say that parliament may direct the judges to change their interpretation of the law is apt to create a false impression. 'Warden' of the Chiltern Hundreds should of course be 'Steward'. It sounds odd to English ears to say that the Lord Chancellor 'appoints many preachers of the Church of England'. Only a writer accustomed to American distances could describe the City as extending 'to a point a little short of Westminster Abbey'. That Irish patriots want to be 'placed more nearly on an equality with other parts of the United Kingdom' is a singular proposition. The statistics on p. 348 give a wholly erroneous impression of the percentage of Roman Catholics in England. An estimate of the number of landowners in the United Kingdom made in 1875 is necessarily misleading now.

F. C. M.

Under the title of *Dansk Historisk Bibliografi* (Copenhagen: Gad), Messrs. Erichsen and Krarup have begun the publication of a work in three substantial volumes, which will be of great service to all who occupy themselves with Danish history and biography. The third volume, containing 'Personal History', was issued complete in 1917, and consists of more than 800 pages, in which over fifteen thousand biographical books and articles are registered under the names of the persons to whom they relate; the names throughout are arranged in alphabetical order, so that consultation is a simple matter. A brief introduction to this volume explains the scope of the whole work, together with the necessary limitations which the compilers have set themselves in such an extensive task. Of the earlier portions of the work only the first part of vol. i has been issued (1918), dealing with Danish history down to the reign of Frederick VI (1808-39); the second part will contain the continuation of this to 1912. As the books and articles in the first two volumes will be grouped according to subjects and periods, it is gratifying to note that an alphabetical index is promised as a conclusion to the whole work, which will obviously comprise an immense mass of valuable material!

W. A. C.

The eleventh volume of the *Transactions of the Royal Historical Society* (third series, 1917) contains a presidential address by Professor C. H. Firth, in which he surveys the relations between England and Austria. Mr. H. P. Biggar writes on Charles V and the discovery of Canada, and Miss I. D. Thornley on the treason legislation of Henry VIII [1531-4]. Dr. Henry Gee examines, for the first time in detail, the Derwentdale plot of 1663; Mr. William Foster gives a history of the India Board, 1784-1858; and Dr. J. Holland Rose discusses the mission of Thiers to the neutral powers in 1870. Papers by Mr. A. Forbes Sieveking on duelling and militarism, and by Professor Claude Jenkins on the historical manuscripts at Lambeth, conclude the volume. C.

Another volume of the Danish *Historisk Tidsskrift* (Hagerup: Copenhagen, 1915-17), forming the sixth of Series viii, is now complete, and contains various items of interest. Taken in the order of the dates or periods to which they refer, the principal articles are the following: 'Saxo's Chronicle of Valdemar and his Danish History', by Professor K. Fabricius—an important contribution to the question of the order in which the various books of this famous work were written; 'Some remarks on Danish students at German Universities in the Middle Ages', by Miss E. Jørgensen, who is steadily, in successive articles, investigating the older scholastic links between Denmark and the rest of Europe; 'Older Danish Sea-books and Charts,' by Professor J. Steenstrup; 'The After-results of Klement's Rising (in 1534), a contribution to the history of the peasant class', by T. B. Bang; 'Estate Management in the second half of the seventeenth century', by H. Pedersen; 'Contributions to the history of Trade and Shipping in Denmark and Norway in 1800-7', by A. Linvald; and 'The diary of Countess Danner for 1853-4', by Dr. L. Moltesen. Among the more important reviews are those of Schück's 'History of the Swedish People', L. Weibull's 'Liber Census Daniae', L. Bobé's 'History of the Ahlefeldt Family', P. Lauridsen's 'When South-Jutland wakened', and K. Erslev's 'The Augustenborg Claims (to Slesvig)'. The obituary notices include appreciations of four prominent Scandinavian scholars: Edvard Holm (died 18 May 1915), Yngvar Nielsen (2 March 1916), Johan E. Sars (26 January 1917), and Axel Olrik (17 February 1917). This volume also includes the usual lists of historical literature relating to Denmark for the years 1914 and 1915. W. A. C.

In the *Bijdragen voor Vaderlandsche Geschiedenis en Oudheidkunde*, 5th series, iv. 3, 4 and v, Miss S. J. van den Berg continues her list of documents of interest for the history of the Netherlands noticed in the appendixes to the *Reports of the Historical Manuscripts Commission*, i-xv, from 1649 to 1795. D.

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